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The Ethics of Political Participation: Are Citizens Obligated to Participate, and What Exactly are they Obligated to Do?

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**The Ethics of Political Participation: Are Citizens Obligated to
Participate, and What Exactly are they Obligated to Do?**

by

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The Ethics of Political Participation: Are Citizens Obligated to Participate, and What Exactly are they Obligated to Do?

by

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The aim of the dissertation is to show that, with few exceptions, citizens have a defeasible moral obligation to participate in politics. Moreover, the arguments presented in support of the thesis have an implication on how exactly one should participate: participation can take many different forms, but they all need to constitute democratic deliberation of one's polity—the policy-making process guided by the exchange of reasons among citizens. In Chapter One, I clarify the thesis and frame the issue in terms of a challenge raised by a classical liberal consideration against the obligation to participate in politics. In Chapter Two, I argue that one *should not* defend the obligation to participate in democratic deliberation by thinking of democracy as a sort of shared value in democratic society. In Chapters Three and Four, I present two independent arguments for the thesis that citizens have a defeasible moral obligation to participate in democratic deliberation.

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CHAPTER 1: THE ETHICS OF POLITICAL PARTICIPATION

In February 2015, *Mother Jones* released an investigative report by Brian Joseph about the widespread abuse and neglect of children in the privatized foster care system in the United States. The report documents the circumstances around the tragic death of Alexandria Hill, a toddler from Rockdale, Texas, as well as other children who died from the abuse or neglect of their foster parents. According to the report, many private foster care agencies routinely place children into unsafe foster homes to maximize profit. Private foster care agencies are compensated by the amount of placement they make and there is a shortage in foster parents. Therefore, these agencies have a great incentive to recruit foster parents from low-income households and ignore warning signs of an unsafe home. In the case of Alexandria Hill, her foster parent, Sherrill Small, is herself a victim of child abuse and has a history of abusing her own biological children. Small's agency could have easily found out she did not raise one of her children and why that was the case.

Foster care reform is a complicated issue and one can expect radically different and opposing opinions on how it should proceed. For example, one may follow Dr. Roland Zullo, a social scientist at the University of Michigan, to blame the aggressive privatization of social welfare programs;¹ whereas a libertarian may believe that the culprit is cronyism and government bureaucracy, and that privatization is a necessary (but not sufficient) remedy to the situation.²

However, what interests me the most is the only reactions I solicited after I posted the *Mother Jones* article on Facebook. One friend commented, "Very sad... can't even finish reading it..." (presumably she did not get to the part that discusses the socio-political problems of privatized foster care) while another friend only left a sad emoticon. This sort

¹ Excerpt from Joseph's report: "Roland Zullo, a researcher at the University of Michigan who has studied foster care privatization, believes tragedies like these may be linked to the financial incentives of the industry, which he says are not aligned with child welfare. 'This is just the kind of service where the market approach doesn't work,' he says." According to a report in 2013 by Garrett Therolf of the *Los Angeles Times*, "children in private homes [in Los Angeles County] were about a third more likely to be victims of abuse."

² For example, Andrea Ball and Eric Dexheimer of *Austin Statesman* discover that Texas's child protection system fails to disclose hundreds of abuse-related child deaths. One may argue that it is the failure of government bureaucracy, not privatization, that leads to systematic abuse.

of reaction to socio-political problems raises the following question: do citizens have any moral obligation to educate themselves on the socio-political problems in their society, reflect on them and contribute to the solutions of the problems if there is indeed something that they can do? On the one hand, it seems that the lack of moral outrage towards these socio-political problems or the subsequent willful ignorance signifies a sense of moral failure.³ On the other hand, a liberal society embraces value pluralism; in such a society, it is up to the individual citizen to decide what problems are worthy of her time, attention, emotional energy and other resources that are at her disposal. It is not immediately clear as to what grounds a liberal has to claim that citizens ought to give these socio-political problems any priority in their thoughts or actions.⁴

The questions I wish to address in this dissertation project are the following: are citizens living in a liberal democracy morally obligated to participate in politics and, if they are, what exactly are they obligated to do? My aim is to show that, with few exceptions, citizens are morally obligated to participate in politics. Moreover, the arguments I provide to support the obligation to participate have an implication for how exactly one should participate: participation can take many different forms, but they all need to constitute democratic deliberation of one's polity.

1.1 DEFINING THE THESIS

Politics is the process through which a polity determines its laws and policies. A citizen can participate in this process formally (*e.g.*, voting, running for public offices) or informally (*e.g.*, lobbying, public debate). Roughly speaking, the process is democratic if every citizen can formally participate to a more or less equal extent.⁵

³ Whether this is a moral failure on the individual level or societal level is an issue to be addressed in this dissertation (*e.g.*, if the individual refuses to engage because she is overwhelmed by helplessness in the face of these socio-political problems, one may argue that this is a problem of society as a whole).

⁴ A similar question can arise in a different scenario. Imagine that instead of indifference, my friend reacts to the *Mother Jones* story with anger and jumps to the conclusion that "This is what happen when you let the Democrats run the country! They let criminals run free!" without engaging in any serious deliberation on the issue. One may ask whether this reaction signifies a similar sense of moral failure.

⁵ Robert Dahl's necessary conditions for polyarchy can be used as a more sophisticated definition of democracy:

Democratic deliberation consists of a host of activities through which members of a polity *collectively* deliberate on political issues. The outcomes of the deliberation determine the laws and policies of the polity. When multiple individuals collectively deliberate, each of them should be deliberative—each should, for example, weigh and consider certain courses of action by herself or others that would have some bearing on what the collective constituted by them would end up doing. However, it is possible to have a division of labor in collective deliberation. For example, suppose three individuals collectively deliberate on how to create a mobile app. One of them is an artist and she is particularly good at visual design. So after some thoughtful consideration, the other two delegate all the design-related tasks to her. In this case, the artist deliberates on the design-related problems and the other two deliberate on whether to defer to the artist on design-related problems. This is collective deliberation with a division of labor.⁶ Democratic deliberation can have a division of labor as well. While democratic deliberation can happen in the form of direct participation of all, it can also happen in the form of representative politics, as long as the delegation of power to the policymakers is deliberative in nature. Furthermore, in either case, everyone would need to defer some factual judgments to experts in the relevant domains of knowledge, because no one can gather the expert knowledge required to make political decisions all by herself.

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1. Control over governmental decisions about policy is constitutionally vested in elected officials.
 2. Elected officials are chosen and peacefully removed in relatively frequent, fair and free elections in which coercion is quite limited.
 3. Practically all adults have the right to vote in these elections.
 4. Most adults also have the right to run for the public offices for which candidates run in these elections.
 5. Citizens have an effectively enforced right to freedom of expression, particularly political expression, including criticism of the officials, the conduct of the government, the prevailing political, economic, and social system, and the dominant ideology.
 6. They also have access to alternative sources of information that are not monopolized by the government or any other single group.
 7. Finally, they have an effectively enforced right to form and join autonomous associations, including political associations, such as political parties and interest groups, that attempt to influence the government by competing in elections and by other peaceful means. (Dahl 233)

⁶ Here is an example that is *not* collective deliberation. If Amy just buys Billy coffee to help him stay awake, so that he can plan their next trip to Paris entirely by himself, Amy and Billy are not deliberating collectively, even though there would be some deliberation going on in both Amy and Billy.

Democratic deliberation as a method of generating political outcomes is different from other methods in the following ways:

1. It is the reasoning among people, not the bargaining between competing interests or the aggregation of private preference, that guides political procedure.
2. The giving, weighing, acceptance, or rejection of reason is a public act, as opposed to the purely private act of voting.⁷

Roughly speaking, an act of political engagement is public instead of private if the acting agent can, in principle, justify the act to someone else. Voting, conceived as a right (as opposed to a duty) and a means to express a voter's preferences on political matter, is often a private act because the voter need not justify her vote to others.⁸ Her vote can be informed by her considerations on the public goods, but it can also be informed by anything else (*e.g.*, she wants a good-looking governor) or nothing at all (*e.g.*, she just votes for the sake of going through the motion, which gives her a sense of identity as an American). The distinction between a public act and a private act is not a matter of whether the act is visible to others or whether the actor actually articulates the justification of the act. That means considering a political issue silently can be a public act.

⁷ Adopted from John Parkinson (3), with some modification. The term "democratic deliberation" means many different things to different deliberative democrats (and their opponents). For example, while Robert Goodin ("Democractic Deliberation Within") thinks that democratic deliberation can also happen in the form of imagined exchange of reasons in one person's head, Amy Gutmann and Dennis Thompson (*Debating Deliberative Democracy*), as well as Ian Shapiro insist that only actual exchange of reasons between different individuals can be genuine democratic deliberation. I will discuss the different implementations of democratic deliberation in Appendix A.

⁸ This is a point of contention in the debate about secret ballot in the 19th Century England. John Stuart Mill famously argues against secret ballot on the following ground:

In any political election... the voter is under an absolute moral obligation to consider the interest of the public, not his private advantage, and give his vote, to the best of his judgment, exactly as he would be bound to do if he were the sole voter, and the election depended upon him alone. This being admitted, it is at least a *prima facie* consequence that the duty of voting, like any other public duty, should be performed under the eye and criticism of the public...

However, some have rejected Mill's assumption that voting, or weighing in on the interest of the public, is a duty rather than a right. Joseph Park describes the debate in detail.

The difference between the bargaining of private interests and collective deliberation is that, when one bargains with someone else, one only needs to provide enough incentive to entice the other party to strike a deal. The incentive can be moral or non-moral in nature. One need not justify one's preference to the other party, where justification is necessarily moral in nature. For example, suppose Amy and Billy are traveling together; Amy wants to visit the zoo and Billy wants to visit the museum. They decide to spend half of their time in the zoo and half of their time in the museum. If Amy and Billy reach this decision by collective deliberation, Amy would need to show Billy why going to the zoo is a good idea for Billy as well, why Billy ought to go to the zoo, or anything that can be regarded as considerations that favor going to the zoo together from Billy's standpoint. If Amy and Billy reach this decision by bargaining, then Amy would only need to provide Billy enough incentive to agree to visiting the zoo (*e.g.*, "if you spend half a day in the zoo with me, I will spend half a day in the museum with you; if not, let's just don't go anywhere!").

To participate in democratic deliberation is to participate in activities that amount to giving, weighing, accepting or rejecting reasons for or against a certain law or policy. For example, explaining to other people the criteria one should appeal to in evaluating the arguments for and against gay marriage would amount to participating in the weighing of reasons for and against the legal ban on gay marriage.

This definition of participation has three important implications. First, voting, the hallmark of political participation, is neither necessary nor sufficient for the participation in democratic deliberation. It is not sufficient because a vote that is not backed up by deliberation does not count as participating in democratic deliberation. It is not necessary because a citizen could participate in democratic deliberation in other ways. In particular, one should not regard voting as a minimum requirement of participation for every citizen. If a citizen has to choose between waiting at the voting booth for two hours and using the same amount of time to convince a hundred people to vote for the candidate she supports, why must she choose the former? The institution of voting may still be indispensable in a democracy (*e.g.*, as a way to end deliberation on a particular issue and

generate an actionable decision), but a citizen need not participate in democratic deliberation through voting.

Second, it is not necessary for a participant to take a stance at any point during the deliberation because she need not give, accept or reject any reason for or against a particular stance; she can participate by weighing the pros and cons. For example, one may withhold judgment on whether gay marriage should be banned and still be considered as participating in democratic deliberation, as long as one does something that amounts to weighing reasons publicly (and perhaps silently).

Third, the reasons given, weighed, accepted or rejected have to be reasons for or against some political outcome. For example, giving an argument against eating junk food constitutes the participation of democratic deliberation only if the argument has some potential legal or political ramification.

“Democratic deliberation” is closely related to “deliberative democracy” and some clarification about the terminology is needed. Deliberative democracy is a form of government that uses democratic deliberation, a method or a kind of activity in which people can participate, to determine laws and policies.⁹ The focus of this project is on democratic deliberation because my aim is to investigate the *ethics* of political participation, although the topic of this dissertation clearly has important implication on deliberative democracy as well. My arguments for the obligation to participate in democratic deliberation do not appeal to the merits of deliberative democracy or particular versions of it, but they show why individual citizens have reason to support at

⁹ Deliberative democrats regard democratic deliberation and deliberative democracy to be conceptually distinct. For example, Gutmann and Thompson say,

The theory of deliberative democracy does not always in all circumstances demand the practice of deliberation. The best means of promoting deliberative democracy in the future may sometimes require refraining from deliberation in the present, for example, to ensure a timely and necessary life-saving response to a crisis. (*Why Deliberative Democracy?* 43)

It is also conceptually possible that democratic deliberation can happen in a relatively undemocratic regime. Imagine an undemocratic regime that has freedom of speech and assembly (*e.g.*, British Hong Kong in the 90's). Public debate on a certain issue may lead to protests and lobbying that can successfully pressure the government to change its law or policy.

least some form of deliberative democracy. Which form they should support depends on empirical facts about social and individual psychology, technological advancement, *etc.*¹⁰

Citizens may participate in democratic deliberation in many different ways, and how exactly a citizen should participate depends on individual circumstances. My arguments for the obligation to participate in democratic deliberation will elucidate how one may decide what a particular citizen needs to do in order to fulfill the obligation to participate in democratic deliberation.

The moral obligation to participate in democratic deliberation is a defeasible one, meaning it can be defeated or outweighed by other moral obligations. For example, a single parent that needs to work two full-time jobs to feed her child may end up not having any time or mental resources to educate herself on current political matter. In that case, her obligation to feed her child may outweigh her obligation to participate in democratic deliberation.¹¹ It is also possible that one can be excused for not fulfilling an undefeated obligation to participate in democratic deliberation (by which I mean one is not blameworthy for not fulfilling the undefeated obligation). For example, someone who has fallen into deep coma or someone who cannot think clearly after suffering a massive brain injury can be excused. In fact, in the latter case, it can be argued that an obligation not to participate arises because one cannot participate in democratic deliberation properly.¹²

The moral obligation to participate in democratic deliberation or politics in general is to be distinguished from political obligation, the obligation to obey the law in general. There is no political obligation to participate in democratic deliberation unless there is a law that requires one to do so (and as a matter of fact there is no such law in the world). Moreover, the moral obligation to participate in democratic deliberation does not depend on the legitimacy of the democratic government. It follows from my arguments that a

¹⁰ An overview of the debate concerning the merits of deliberative democracy is provided in Appendix A.

¹¹ But in Chapter 4, I will also argue that one's obligation to care for one's child can give rise to an obligation to participate in democratic deliberation.

¹² Jason Brennan has a similar argument (68–92), in which he focuses on (wrongful) voting instead of democratic deliberation.

citizen is morally obligated to participate in democratic deliberation regardless of whether the government is legitimate or not. That is, even a philosophical anarchist can accept my arguments.¹³

1.2 DEFINING THE CHALLENGE

From the liberal perspective, those who believe in the obligation to participate in democratic deliberation have the burden of proof to show that there is such an obligation. All liberals would agree that participation in democratic deliberation, as defined above, is a political right. However, many of them think that a citizen has no obligation of any sort to participate in politics.¹⁴

Consider voting as an example. Voting, the simplest form of political participation, is often included in the list of civic duties along with items such as obeying the laws, serving on a jury, paying taxes, providing public services (*e.g.*, military, rescue...) in times of need, *etc.* The idea that a citizen is obligated to participate in the civic life in some way seems intuitive to many people, and voting is often the easiest way to participate. However, the claim that a citizen is obligated to devote her time and resources to do certain things

¹³ A philosophical anarchist is a person who believes that political power is never morally justified, although one may have other (moral or non-moral) reason not to overturn the government. An example of such a person is Robert Paul Wolff.

¹⁴ I use both “duty” and “obligation” to describe my view. While “duty” and “obligation” are almost synonymous in their ordinary and legal usage (look up “duty,” “obligation” and “bond” in *Oxford Dictionary of Law*), some philosophers draw a distinction between them. For example, H.L.A. Hart thinks that obligations “may be voluntarily incurred or created” and “they are owed to special persons (who have rights)” (179 n. 7); by contrast, duties arise from roles or positions. John Rawls, partly following Hart, thinks that obligations are moral requirements that “arise as a result of our voluntary acts” and their content “is always defined by an institution or practice the rules of which specify what it is that one is required to do” (*A Theory of Justice* 113); whereas duties are “tasks and responsibilities assigned to certain institutional positions” (*ibid.*). Thomas Pogge uses the pair of terms to mark another distinction: “Duties are general; obligations are specific. For example, someone may have a general duty to keep her promise and a derivative obligation to return a book to her colleague” (5). Philosophers in the special obligation debate would draw another distinction, namely, the distinction between “special obligations” and “natural duties,” where the latter means “moral requirements which apply to all men irrespective of status or acts performed... owed by all persons to all others” (Simmons 13).

I will use “obligation” and “duty” interchangeably because for the purpose of my project, it is unclear what the payoff of marking a sharp distinction between these terms would be. Instead, I will introduce new terminology when I need to mark a distinction about obligation or duty (*e.g.*, the distinction between “obligation” and “quasi-obligation” in Chapter 2).

regardless of her own life goal seems to be in tension with the ideal of liberalism. The appearance of tension calls for further justification.

There are two popular candidates of such justification. First, one may say that good governance is a public good that every citizen can enjoy and so every citizen should help bringing about good governance through political participation. Second, one may also appeal to the idea of civic virtue: a good citizen should participate in politics at least in some way. Failing to do so makes one a bad citizen, and presumably it is bad or even immoral to be a bad citizen—it sounds like, say, being a bad parent or a bad worker in a company. Of course, one can combine the first and second candidates: failing to contribute to the public good makes one a bad citizen.

However, Jason Brennan, who attacks the issue from a classical liberal perspective, finds neither of these candidates successful. He argues that there is no reason to think engaging in politics (or more specifically, voting) is an obligation in a peaceful, decently functioning democracy.¹⁵ His overall argument has two main components: a conception of civic virtue and an account about what constitutes (or, to be precise, what does not constitute) free-riding on a public good.

Different theorists may have different conceptions of civic virtue.¹⁶ According to one conception a good citizen should put the interests of the public before one's private interests; according to another conception a good citizen should participate in public services (*e.g.*, serving in the military or holding public offices); so on and so forth. However, Brennan thinks that what is central to the concept of civic virtue is that “civic virtue makes one a good member of a community” (45), and he rejects any particular conception of civic virtue that requires one to engage in politics. According to Brennan, one can be a good member of a community by contributing to the common goods of that

¹⁵ For example, any western developed democratic states would be such a democracy. Brennan acknowledges that citizens may be required to get involved in politics under some extreme circumstances (say, a referendum about whether to reinstate slavery and the pro-slavery side has a decent chance to win), but those occasions are rare.

¹⁶ Brennan is appealing to the Rawlsian distinction between concept and conception here. While people may share the same concept of justice (*e.g.*, justice entails fairness), they may have different conception of justice (*i.e.* different normative theories disagree on what constitutes fairness).

community,¹⁷ and one can do so without doing anything political in nature. He calls this “the extrapolitical conception of civic virtue” (49).

Brennan’s argument for the extrapolitical conception of civic virtue goes as follows. Suppose civic virtue requires one to contribute to the common goods of society. A society has many different common goods; just to name a few: clean water, the welfare of the future generation, the health of the general public, good governance, the advancement in science, the creation of fine arts, *etc.* There are a variety of common goods and the pursuit of each of these common goods requires a sophisticated division of labor. No one can contribute to all of them. In order to be a good member of society, one only need to do something that would contribute to *some* common goods—they do not even need to contribute to the common goods intentionally. A physician can contribute to the common goods by curing her patients. A parent can contribute to the common goods by raising her children well. Richard Feynman contributed to the common goods through his works in quantum mechanics. Michelangelo contributed (perhaps unwittingly) to the common goods by painting on the ceiling of the Sistine Chapel. One should not think that a lawyer is not a good member of society simply because she does not contribute to, say, the health of the general public. She can contribute to other common goods. Good governance is only one of the many common goods in society. One need not contribute to this particular common good in order to be a good member of society. Moreover, one need not contribute to good governance by engaging in politics. For example, “Martin Luther King Jr. ... could not have rallied for political reform if others had not provided food, clothing, shelter, transportation, and even much of the basic philosophy underlying his movement” (Brennan 55). People who provided King these needs have contributed to good governance indirectly. Therefore, civic virtue does not require one to engage in politics.

Now suppose instead that civic virtue requires significant political engagement, in ways described by the civic humanists or civic republicans. Brennan thinks there is no

¹⁷ In Brennan’s terminology, “common goods” refer to both rivalrous and non-rivalrous (*i.e.* public goods) non-excludable goods.

ground to insist that it is the right conception of civic virtue. He stipulates “schlivic virtue” to be “the disposition and ability to promote the common good by nonpolitical means” (48). Then he says, “[i]f one insists that it is not an open question whether civic virtue involves political engagement, this just implies that it is an open question whether good citizens should have civic virtue, schlivic virtue, or some combination of both” (49).

I would like to add that there is a potential argument that Brennan has not considered, although at the end of the day I believe it is incorrect. One might think that civic virtue requires one to be a good member of the *political* community, which would require one to do something political in nature. In order to be a good member of, say, the medical community, one is required to contribute to some medicine-related good (and avoid some medicine-related bad). For example, a nurse is required to take good care of her patients. One cannot be a good member of the medical community by doing something unrelated to medicine, *e.g.*, feeding homeless people on the street. Similarly, in order to be a good member of a political community, one needs to vote, participate in public debate, hold public offices, or engage in politics in some way. One cannot be a good member of a political community simply by, say, raising one’s child well, even though this is a common good of the population that constitute the political community.

I think this objection to Brennan is incorrect for the following reason. On the one hand, if political community is identical to polity, then one is not always obligated to be a good member of the political community one is a member of. For example, one is not obligated to be a good member of Nazi Germany (in the sense of being a good Nazi). If civic virtue always requires one to be a good member of a polity, then whether one should have civic virtue becomes an open question. On the other hand, if a political community is constituted by members of a polity but not identical to the polity,¹⁸ then it is unclear how one may distinguish political community from what Brennan calls “community.”

¹⁸ In this case, political community and polity are not identical in the sense that a lump of clay is not identical to the statue being made out of that lump of clay. The lump of clay is not identical to the statue because one can destroy the statue without destroying the lump of clay.

Then, what Brennan says about civic virtue and its relation to the variety of common goods would still stand.

Now, we can move on to the account of what constitute free-riding on a public good. In a productive society there is a sophisticated division of labor. Farmers specialize in producing food, doctors specialize in treating patients, teachers specialize in education, *etc.* Although a doctor never produces any food herself, she is not free-riding on the food produced by the farmer. Rather, the doctor exchanges her labor for food (indirectly through money). Similarly, even if a citizen enjoys good governance without making any contribution to it, it does not immediately follow that the citizen is free-riding on the work of those who engage in politics and contribute to good governance. As long as the citizen contributes to some common goods to some reasonable extent,¹⁹ which can be done in many different ways, she is not free-riding.

With the extrapolitical conception of civic virtue in mind, Brennan sets out to debunk three common arguments for the duty to vote. The first one is the Agency Argument (Brennan 36):

1. (Given that you're a citizen,) you should be a good citizen.
2. In order for you to be a good citizen, it is not enough that other citizens obtain adequate levels of welfare and live under a reasonably just social order. (Rather, in addition, you need to be an agent who helps to cause other citizens to have these adequate levels of welfare, *etc.*)
3. In order to do this, you must vote.
4. Therefore, you must vote.

Brennan rejects 3. He thinks that one can be “an agent who helps to cause other citizens to have these adequate levels of welfare, *etc.*” without going to the voting booth. One can contribute to the common goods of the community through other non-political means.

¹⁹ I say a citizen should contribute “to some reasonable extent” because one may think that a citizen is still free-riding if her contribution is not proportional to the benefit she receives. However, it seems impossible to have any theory about what the reasonable extent would be.

This line of reasoning can be generalized from voting to other kinds of political activity, including participation in democratic deliberation.

The second argument is the Public Good Argument (Brennan 38):

1. Good governance is a public good.
2. No one should free-ride on the provision of such goods. Those who benefit from such goods should reciprocate.
3. Citizens who abstain from voting free-ride on the provision of good governance.
4. Therefore, each citizen should vote.

Brennan rejects 3. There is a variety of common goods and good governance is just one of them. In a sophisticated society, there is a division of labor in the pursuit of common goods. Those who abstain from voting do not free-ride on the provision of good governance as long as they (i) contribute to other common goods or (ii) contribute to good governance indirectly. Again, this objection can be generalized from voting to other kinds of political activity.

The third argument is the Civic Virtue Argument (Brennan 40):

1. Civic virtue is a moral virtue.
2. Civic virtue requires voting.
3. Therefore, citizens who do not vote thereby exhibit a lack of civic virtue and are, to that extent, morally vicious.

Brennan rejects 2, which presupposes something like a civic humanist or republican conception of civic virtue. Given the plausibility of the extrapolitical conception of civic virtue, one has the burden of proof to show that civic virtue requires voting or any other kind of political engagement.

At this point, we are left with no good argument, from the liberal perspective, for the claim that citizens are obligated to engage in politics, especially democratic deliberation. Even if democratic deliberation is necessary for safeguarding certain liberal ideals (*e.g.*, laws and policies that respect individual liberty), it does not immediately follow that everyone in society ought to participate in democratic deliberation. Society only needs

enough people to engage in politics, just like society only needs enough people to produce food. The amount can be pretty small in both cases.

1.3 THE RESPONSE

In response to the challenge presented above, I develop two arguments for the claim that citizens in a democratic society have an obligation to participate in politics, or more specifically, democratic deliberation. According to the first argument, a citizen is obligated to participate in democratic deliberation in order to avoid participating in the collective wrongdoing perpetrated by her polity. According to the second argument, a citizen is obligated to participate in democratic deliberation in order to fulfill the moral obligations associated with her station in life. In addition to the arguments, I will also present an account about social group as an acting agent to dispel the thought that a theory that appeals to group identity or political culture can do a better job in grounding democracy.

The Harm Avoidance Argument: an Outline

The first argument rests on two moral claims: that it is morally wrong for anyone to unjustifiably harm someone's well-being or impede someone's self-determination, and that everyone has an obligation to avoid participating in collective wrongdoing. To avoid participating in the collective wrongdoing perpetrated by one's polity, one needs to determine whether the law or policy one complies with is unjustifiably detrimental to someone's well-being or self-determination, and try to change it if it is. In order to determine whether the law or policy is unjustifiably detrimental to someone's well-being or self-determination, one needs to determine whether the law or policy is (borrowed from T.M. Scanlon) disallowed by a set of action-guiding principles that no one can reasonably reject. That requires one to engage in some form of political discourse and take political actions when such actions are called for.

A polity is a collective agent. It acts when the government enacts and enforces laws and when the citizens (including both government officials and private citizens) comply with the law. The polity cannot act if, for whatever reason, its citizens do not comply with

the laws enacted by the government. When a polity does something wrong, it perpetrates a *collective* wrongdoing.

A polity can harm someone's well-being or impede someone's self-determination if the government enacts and enforces laws, with the compliance of the citizens, that are detrimental to her well-being or self-determination. Sometimes a polity is justified in doing so. Harming someone's well-being or impeding someone's self-determination is wronging someone only if it is *unjustifiable* to that person, and unjustifiability is a sufficient condition of moral wrongness. There is no predetermined list of theories, principles or reasons of justification.²⁰ Reasonable rejection may come in many different forms, and it involves taking into consideration the points of view of those who would be burdened or benefitted by the principles.

When a polity unjustifiably harms someone's well-being or impede someone's self-determination, what does that say about its members? A citizen participates in the collective wrongdoing of her polity when she complies with its laws and policies, or exercises her legal rights, in ways that help realizing the collective wrongdoing.²¹ To avoid participating in the collective wrongdoing perpetrated by a polity, one needs to determine how laws and policies are affecting people's lives (or how the proposed laws and policies may affect their lives). If a law or policy harms some people's well-being or impede their self-determination, one needs to determine whether they can reasonably reject the considerations that favor or justify the law or policy. If it turns out that a (proposed) law or policy unjustifiably harms them, one should try to change it (or prevent it from coming into existence). What means one should take depends on one's personal circumstances. Whatever means one may take, one would be engaging in politics (at least by paying attention to current political issues and being aware of how one should act when an opportunity comes).

²⁰ By contrast, according to, say, utilitarianism, one is justified in performing an action if, and only if, the action satisfies the principle of utility.

²¹ When a citizen exercises her legal rights, it affects what others need to do in order to fulfill their legal obligations, which in turn affects how the polity acts.

The Sufficient Freedom Argument: an Outline

The obligation to participate in democratic deliberation can be derived from the other obligations an individual already has. The argument begins with three premises. First, one has many obligations in virtue of being a person and standing in various special relations with other people. Second, one cannot live without being hindered by government policies in some way.²² Third, one's obligation to do or to refrain from doing something requires one to create or sustain the conditions that would enable one to fulfill this obligation, to the extent that it is possible to create or sustain the conditions, or that doing so does not conflict with other weightier obligations (or reasons in general). If it is impossible to create or sustain the conditions, or if doing so would conflict with other weightier obligations, then the original obligation is defeated. From these premises it follows that one needs to participate in democratic deliberation to make sure that political interference does not prevent one from fulfilling one's *undefeated* obligations.

In addition to thinking of freedom as the prerequisite of moral obligation, one should also think that one's moral obligation requires one to maintain one's capacity and means to act as a free moral agent. What does that mean? Consider the following example: if I have an obligation to deliver something from point A to point B tomorrow with my car, I have the obligation to top up the gas tank if there is not enough gas to travel from A to B (assuming this is within my capacity to top up the gas tank). I cannot say, "since 'ought' implies 'can' and my car cannot travel from A to B in its current state, I do not have the obligation to deliver anymore."

Everyone is morally obligated to do (or refrain from doing) many things. Some moral obligations are universal (*e.g.*, thou shalt not kill). Some moral obligations are particular to certain individuals depending on their stations in life. For example, a parent has an obligation to care for her child, an obligation her childless peers do not have. These obligations can be defeated or outweighed. A parent is obligated to feed her child. But

²² The second premise does not assume that government is justified by such necessity. A philosophical anarchist may think that a government is never justified, but it is practically impossible to prevent any government from existing and it would be unwise to destroy a decently functioning government.

when the only way to feed her child is by killing someone else's child, this obligation is outweighed by her obligation not to kill a child.

As long as one lives in a lawful society, one cannot avoid having limits imposed on one by the government. Interference from the government itself may not be morally wrong, but it can prevent the interfered individual from fulfilling her moral obligations. To make sure the polity does not prevent one from fulfilling one's obligation, one needs to participate in politics. However, one also needs to avoid over-doing it—one need not fulfill one's defeated obligations. In particular, one should not support policies that are in conflict with the “winning” obligations. Therefore, one needs to determine whether one's obligation to support or oppose a policy is defeated or not by engaging in democratic deliberation.

This argument, if successful, shows that democratic deliberation is a practical necessity of political freedom (understood as a kind of negative freedom). This contradicts Isaiah Berlin's view that there is no relation between political freedom and democracy. I also believe that, contrary to Philip Pettit, there is no need to conceive of freedom as non-domination in order to establish any relation between freedom and democracy. Finally, contrary to Rawls, I think the obligation to support a democratic political institution should be derived from the other obligations an individual already has, which fall under Rawls would call “existing comprehensive doctrines.” I will discuss these issues in detail in Chapter 4.

Group Identity or Political Culture as a Source of Obligation?

This section could be titled “how not to defend democracy.” One may be tempted to defend the obligation to participate in democratic deliberation by thinking of democracy as a sort of shared value in democratic society. According to this thought, the political culture historically developed in a political community would ground various obligations its members have regarding how they should engage with politics, including the obligation to participate in democratic deliberation. There are two ways to understand this claim. According to the Aristotelian way, the obligation to participate in democratic

deliberation constitutes one's conception of what constitutes a good life.²³ According to the Rawlsian way, the shared political value (from which one may derive an obligation to participate in politics) is not itself a conception of a good life.²⁴ Either way, the shared value marks the boundary of the political community and constitutes some sort of cultural or ideological identity of its members, and it is in virtue of being a member of the community that one has an obligation to participate in democratic deliberation, whatever "in virtue of" means. Democracy is understood as the self-determination of the political community as a whole.²⁵

I believe that if this sort of account has any intuitive appeal, the appeal stems from certain confusion about the nature of a polity as an acting agent. To resolve this confusion, I develop an account of a composite agent in order to characterize the relation between a polity and its citizens (and between actions of a polity and actions of its citizens) in Chapter 2. A composite agent is an acting subject constituted by multiple acting subjects. Paradigmatic examples include corporations, nonprofits, academic departments in universities, youth soccer teams, two people going for a walk together, three people moving a stone together... and of course, polities. However, there are two kinds of composite agent; each has a different criterion of individuation. Polities are of the same kind as corporations, nonprofits, academic departments, soccer teams, *etc.* while two people going for a walk together, three people moving a stone together, *etc.* are of the other kind. Being a member of the latter kind of composite agent may have an implication on individual moral obligations, but being a member of the former kind does

²³ As Aristotle famously states in *Politics* I.2, "man is by nature a political animal... he who by nature... is without a state, is either a bad man or above humanity..." (1253a)

²⁴ Rawls thinks that at first, some people in the community would engage in social cooperation in fair terms out of self-interest. But over time the social cooperation in fair terms would develop into a freestanding shared value that every member of the community would identify with. It is not a conception of the good because its application is limited in the political sphere (*Political Liberalism* 158–168).

²⁵ For example, Sungmoon Kim seems to be providing the Rawlsian version of such an account. Kim argues that in a Confucian democracy (*e.g.*, Korea), "public reason is largely grounded in Confucian social habits and moral sensibility" (120), and citizens are "obligated to maintain and reproduce the constitutional integrity, which is at once cultural and political, of their political regime... This obligation is... a moral obligation in nature because it is deeply concerned with the democratic ideal of collective self-determination" (121).

not. However, because different kinds of composite agent are often instantiated by the same set of individuals, people misattribute the implication to the wrong kind of composite agent.

CHAPTER 2: POLITY OR DEMOCRATIC SOCIETY AS AN AGENT

In this chapter, I will explore the plausibility of the idea that a citizen has a defeasible moral obligation to participate in democratic deliberation in virtue of being a member of a democratic society. According to this idea, the political culture (democratic or not) that historically developed in a political community grounds various obligations regarding how its members should engage with politics. By being a member of a democratic society, one acquires the obligation to participate in the society's deliberation and to act on the decisions collectively made, that is, the obligation to participate in politics and the obligation to obey the law in general.²⁶ One can acquire such obligations even if one's membership is not (entirely) voluntary. My aim is to undermine an intuition that favors this idea.

There are two ways to understand the claim that the political culture historically developed in a political community grounds various obligations regarding how its members should engage with politics (and my objection against the claim applies to both). According to the Aristotelian way, the obligation to participate in democratic deliberation constitutes one's conception of what constitutes a good life.²⁷ According to the Rawlsian way, the shared political value (from which one may derive an obligation to participate in politics) is not itself a conception of a good life.²⁸ Either way, the shared values and norms mark the boundary of the political community and constitute some sort of cultural or ideological identity of its members, and it is in virtue of being a member of the community that one has an obligation to participate in democratic deliberation. Democracy is understood as the self-determination of the political community as a whole. According to some (*e.g.*, Isaiah Berlin), this understanding of democracy is anti-liberal.²⁹

There are at least two ways to understand what the "in virtue of" relation amounts to. One way is that the communal obligation is partially constitutive of one's identity that

²⁶ For example, Sungmoon Kim seems to be providing such an account. See footnote 25.

²⁷ See footnote 23.

²⁸ See footnote 24.

²⁹ *Cf.* Chapter 4, Section 2.

it is impossible for one not to regard oneself as not so obligated.³⁰ The other way to understand “in virtue of” is that the obligation somehow arises from the demand of the composite agent (in our case the political community), of which one is a member. The discussion below is concerned with the latter.

A composite agent is an acting subject constituted by multiple acting subjects. When we think of a polity or a political community as something that can act, we are regarding it as an agent of this sort. Several philosophers have appealed to metaphysical accounts of a composite agent to explain the individual obligations one owes to the social groups one belongs to, including political obligation.³¹ Conceivably, this approach can be applied to explain the (non-political) obligation to participate in politics. However, I think the appeal of this approach stems from certain confusion about the concept of a composite agent: There are two kinds of composite agent and people conflate the two.

2.1 TWO KINDS OF COMPOSITE AGENT

The concept of a composite agent is disjunctive. There are two kinds of composite agent, and each has a different criterion of individuation. The criteria that I am proposing are non-reductive, but I will argue that a set of individual agents can satisfy one of them without satisfying the other at the same time. Moreover, being a member of one kind of composite agent may have some normative implication on individual obligation while being a member of the other kind does not. Conflating different kinds of composite agent can lead one to misattribute the implication to the wrong kind.

The term “composite agent” is adopted from Peter French.³² What distinguishes a composite agent from an individual agent is that more than one of its proper parts, or members, are themselves agents. Paradigmatic examples include corporations, nonprofits,

³⁰ Michael Sandel is a representative of such a view. Daniel Bell has an overview of this view and its rebuttal (sec. 2).

³¹ *E.g.*, Margaret Gilbert, *A Theory of Political Obligation* and John Searle, *Making the Social World*. Searle’s view on the matter is complicated; see Appendix B.

³² Other philosophers have used “collectives” (Tracy Isaacs), “group agents” (Christian List and Philip Pettit), “collective intentionality” (John Searle), “group persons” (Carol Rovane), “social groups” (Margaret Gilbert), *etc.* to refer to similar entities. For the sake of uniformity, I will use “composite agent” when I discuss different authors’ views.

academic departments in universities, youth soccer teams, two people going for a walk together, three people moving a stone together, *etc.* Some cases are disputed. While Christian List and Philip Pettit include the medical profession, generation X and the financial market in their list of composite agents, neither Tracy Isaacs nor Margaret Gilbert would consider these entities as composite agents.³³ I will stay with cases that are less controversial.

Philosophers who believe that there are composite agents typically think that there can be one account for all of them.³⁴ They seem to assume that there is a common feature shared by all composite agents that explains what makes them composite agents. List and Pettit believe that their theory of group agency accounts for (alleged) composite agents that are as different as Greenpeace and generation X. Gilbert believes that her theory about two people going for a walk together can be generalized to account for actions of a state (*A Theory of Political Obligation* 97). Searle believes that his theory of collective intentionality can account for institutional facts of any sort of social institution. Christopher Kutz thinks that his theory of participatory intentions can account for the common core shared by all composite agents. Sometimes a philosopher may acknowledge that her theory does not cover group entities that sound like an agent in our ordinary conversations, but then she would claim that these entities are not really agents after all. For example, Gilbert thinks that an economic class is not a composite agent (even though people often say things like “the middle class does this and that”) because it does not fit well with the cases that motivate her theory of shared intention (*On Social Facts* 225–232).

However, why should philosophers assume that there is a common feature shared by all composite agents that explains what makes them composite agents in the first place? Even the paradigmatic examples listed above do not naturally fit into one mold.

³³ These entities do not satisfy Isaacs’s criteria of being an organization or a goal-oriented collective (Isaacs 23–51), and most members of gen X or the financial market do not consider themselves as constituting a “plural subject” with their fellow members in Gilbert’s sense (*cf. On Social Group*).

³⁴ One exception is Michael Bratman, who says on multiple occasions that his account of shared intention is just one approach to explain shared agency. Bratman makes it clear that his target is “small scale shared intentionality” and he “do[es] not mean to claim that the exercise of planning capacities is the only possible form of temporally extended or shared intentional activity” (“Agency, Time, and Sociality” 9).

Corporations, nonprofits, academic departments and youth soccer teams plausibly to fall under one category while two people going for a walk and three people moving a stone plausibly to fall under another one. One might think that it is because those in the former category have more formal institution while those in the latter category do not. Or one might think that it is a difference in size or stability. However, I think there is a deeper distinction: they are entirely different kinds of agent, with different criteria of individuation.

I should make three preliminary remarks. First, an agent is the kind of being that has intentions at least at some point of its existence, but it need not be the case that an agent intends all the intentional actions it performs. Moreover, one can identify an agent prior to identifying any of its intention. Therefore, the criteria of individuation of a composite agent need not specify how the intention of a composite agent is determined (*e.g.*, how members make decisions together as a whole).

Second, there is a disagreement between Gilbert and Bratman about whether being a member of a composite agent is constitutively normative. Gilbert thinks that an adequate account of shared intention must satisfy the “obligation criterion,” namely, members of a composite agent have an obligation to act in ways that would achieve what they jointly intend to achieve (*Sociality and Responsibility* 25–26). This is an obligation with a corresponding claim right; members are entitled to the obligatory actions from each other. By contrast, Bratman thinks that shared intention is not constitutively normative in this sense and gives two counterexamples to Gilbert’s account (*Intention, Plans, and Practical Reason* 132–134). Instead of being bound by obligation, an individual is bound by the requirement of rationality to act in ways that is consistent with the shared intention. Some have proposed some compromised position between the two (*e.g.*, Abraham Roth, Facundo Alonso). But I think the disagreement and the efforts to come up with a compromised position are misguided if there is no common core in the concept of a composite agent in terms of how a shared intention comes to be or that the concept is “disjunctive,” so to speak.

Third, composite agents are social kinds. Roughly speaking, the existence of social kinds is mind-dependent, and there would not be any composite agent if no one has any

propositional attitudes about some specific sort of quasi-obligations, reasons for actions, or the mental states of other people. However, the modes of dependence can be different for different social kinds. Muhammad Ali Khalidi organizes social kinds into three categories by considering (i) whether the existence of the kind depends on people having propositional attitudes about it and (ii) whether the existence of instances of the kind depend on people having propositional attitudes about them. The existence of the first kind does not depend on people having propositional attitudes about it or instances of it, *e.g.*, racism and recession. The existence of the second kind depends on people having propositional attitudes about it, but not people having propositional attitudes about instances of it, *e.g.*, war and money. The existence of the third kind depends on people having propositional attitudes about it and instances of it, *e.g.*, permanent residents and a prime minister. Khalidi argues that nothing prevents the first and second kinds from being natural kinds, or in Searle's term, being "ontologically objective," because, like natural kinds, they are also associated with a cluster of causal properties (9–10). For example, war is just as devastating as volcanic eruption (perhaps even more so), and neither of them can be "thought" out of existence.

I take it that composite agents belong to the first kind of social kind. Their existence depends on their members having propositional attitudes of some sort (*e.g.*, propositional attitudes about their obligations, or their reasons for actions, or other people's propositional attitudes, *etc.*), but not people having propositional attitudes about composite agent as a kind or about instances of the kind. I have no argument for this claim, or the claim that composite agents are real, but conceiving of composite agents this way gives us some reason for thinking that they are real, or at least "more real" than fictional kinds (*e.g.*, Sherlock Holmes).³⁵

The criteria of individuation are intended to provide a partial explication of the concept of a composite agent. It is a partial explication because the criteria presuppose

³⁵ If one insists that composite agents are not real, I can concede that talks of composite agents are fictional in the way that a mathematical fictionalist thinks that mathematical discourse is fictional and then set the issue aside.

that people talk as if composite agents are real and they already have some grasp of what composite agents are (except for controversial cases). Nonetheless, non-reductive criteria can be illuminating because they can show that a certain important distinction can be drawn among different composite agents.³⁶ To illustrate how the partial explication might work, consider the following toy/fake example:

(A) Several agents constitute a composite agent *CA* and *CA* is a composite agent_(Animal) if, and only if,

1. all these individual agents are animals, and
2. their actions realize various functions of *CA* when they carry out a certain set of tasks assigned to them;

(R) Several agents constitute a composite agent *CA* and *CA* is a composite agent_(Robot) if, and only if,

1. all these individual agents are robots (including simple robots), and
2. their actions realize various functions of *CA* when they execute the procedures preprogrammed in them.

If (A) and (R) were nontrivially true (*i.e.* there existed a *CA* such that both sides of the biconditional are true), they would have revealed something significant about the concept of a composite agent (*e.g.* an important feature of being a composite agent is the coordination of its parts and that the coordination can be realized in either an intentional system or non-intentional system). However, one must already have some grasp of the concept of a composite agent in order to understand clause 2 in (A) and (R).

With the criteria of individuation that I am actually proposing, I hope to show that members of a composite agent can relate to each other in two different ways, and only one of these ways is normatively significant (it will become clear what “normatively significant” means later in the chapter). That means, as I also hope to show, actions of

³⁶ P.F. Strawson also argues that one should not dismiss non-reductive analysis because it can elucidate the interconnections between some complex and irreducible notions, despite the fact that the analysis is circular (17–28).

individual members can relate to actions of the composite agent in two fundamentally different ways.

In the next few sections, I will explain the two criteria in my proposal, and I will show that they are distinct by given examples that satisfy only one criterion but not the other. Then, I will discuss apparently difficult cases and explain why they pose no problem to the proposed criteria. Finally, I will discuss some anticipated objections and my responses to them.

2.2 THE METAPHYSICAL (MET) AND NORMATIVE (NORM) CRITERIA

There are two kinds of composite agent and each has its own criterion of individuation. Any set of individual agents that satisfies one of these criteria would constitute a composite agent of a particular kind. Each criterion specifies the relation between individual agents in the set. One of these criteria is what I call the Metaphysical Criterion (Met):

(Met) Several individual agents constitute an entity³⁷ *CA* and *CA* is a composite agent_(Met) if, and only if,

1. each individual agent is directly related to at least one other agent in *CA* and indirectly related all other agents in *CA*,³⁸ and the direct relation or relations define the practical role(s) of each individual agent,
2. (a) actions of an individual agent realize the information states (beliefs, desires, intentions, *etc.*) of *CA* when she acts on the special quasi-obligations associated with the practical roles mentioned in 1, and
(b) these information states can be invoked to explain or predict actions of *CA*, and
3. each individual agent is aware that other individual agent(s) in *CA* may act on the special quasi-obligations associated with their practical roles.

³⁷ The entity can be a group constituted by an arbitrary set of individuals or a composite agent of a particular kind.

³⁸ A is indirectly related to C if, and only if, A is directly related to B and B is directly related to C, given that A, B and C are distinct individual agents in the composite agent. “Is related” is bidirectional: A is related to B if, and only if, B is related to A.

A practical role is a relational property possessed by an individual agent.³⁹ For example, to say that someone is a stepparent is to say that this person stands in a certain relation with another person, whom we may refer to as her stepchild. Some relations are defined in part by special quasi-obligations. Special obligation is the obligation one owes to a person in virtue of standing in a special relation with that person, and special quasi-obligation is special obligation minus the reason-giving part (*i.e.* one may or may not have any reason to fulfill a special quasi-obligation).⁴⁰ For example, the hiring relation between an employer and an employee is defined by the employer's special obligation to pay the employee and the employee's special obligation to work for the employer. They act on their practical roles by fulfilling their special obligations. Since special obligation entails special quasi-obligation, it is also true that the employer and employee act on their practical roles by fulfilling their special quasi-obligations.

The relation between individual agents in a composite agent_(Met) can be an obligation-owing-relation or a beneficiary-relation. In the case of a hiring relation, the employer owes the employee the obligation to pay the latter. What about a relation between employees? Suppose part of the employee's obligation to work for the employer is to assist other employees. Then, the obligation to assist other employees is not owed to the assisted employees but to the employer. The relation between the employees is still defined in part by some special obligation, but it is a beneficiary-relation instead of an obligation-owing-relation.

Now, consider a case from Diane Jenke, in which one only has a special quasi-obligation but not special obligation:

Suppose that all of my neighbors organize the "West Side Reading Group," which will meet once a month at the local coffee house to discuss edifying books, articles, *etc.* Members of the group are obligated to attend a certain number of meetings a year, participate in discussions, and recommend books

³⁹ Not all roles are relational.

⁴⁰ The relation between obligation and quasi-obligation is analogous to the relation between memory and Sydney Shoemaker's "quasi-memory." "*A* remembers that *p*" entails that "*A* quasi-remembers that *p*." Similarly, "*A* owes some special obligation to *B*" entails "*A* owes some special quasi-obligation to *B*."

or articles to other members of the group. Everyone who lives in a certain sector of the west side of town is a member of the group. Given that I live in that part of the west side of town, I am thereby a member of the group. Do I have obligations to attend meetings, *etc.*? The group appears to be just and to have good ends. Given that I am well-read, it would be good if I were to contribute to the group, and my participating would certainly not be unjust or immoral. But why suppose that I have special obligations to other members of the reading group simply because those others have decided to describe me in a certain way, even if their group is a good group with just and worthy goals in which I could participate without violating any requirements of justice or morality? (“Special Obligations” sec. 4)

I take it that Jenke’s point is obvious. By my definition, the protagonist of the story has special quasi-obligations, but not genuine special obligations, to attend meetings, *etc.*

The idea of an obligation can be contrasted with what I will call “supererogation.” For example, it would be nice for me to volunteer in my neighborhood (or I would appear as a selfish and obnoxious neighbor if I do not volunteer), but I would not be failing to fulfill my special obligation as a member of the neighborhood if I do not volunteer. By contrast, if I promised (explicitly or implicitly) to follow the rule or convention that requires me to provide unpaid service to the neighborhood when I moved in, I would be failing to fulfill my special obligation as a member if I do not provide such service (regardless of whether I have any good reason to not do so).

Similarly, it would be a friendly gesture if the protagonist in Jenke’s case shows up in the meetings of the West Side Reading Group. But she would not be fulfilling any special obligation in doing so because there is none.

Finally, each individual agent needs to be aware of the fact that there are other individual agents who may act on the special quasi-obligations associated with their practical roles. The agent need not know who exactly these other agents are or whether they would definitely act on their special quasi-obligations, but she must believe that,

most likely, at least some of them would. In other words, she should have *some* expectation about what other people may do.⁴¹

Now, consider a simple example that illustrates how (Met) works: imagine a small corner store with an owner and two employees. One of the employees is the manager, who supervises the work of the other employee. Some of their special obligations are listed here:

Owner: pays the manager and the assistant; entertains the needs of the manager and the assistant within the limits of legal and contractual obligations (*e.g.* approve sick leaves); *etc.*

Manager: keeps the owner informed about the operational status of the store (*e.g.*, check the stock level); the supervision of the assistant; everyday operation of the store (*e.g.*, operating the cashier); *etc.*

Assistant: executes instructions from the manager and the owner regarding the operation of the store; *etc.*

Suppose the manager discovers that Heineken is low in stock. He asks the owner whether to restock this particular brand, and the owner says “yes.” The manager submits an order to the supplier. When cases of beer arrive, the manager tells the assistant to move them into storage. Given what is said here, we may also say that the store comes to believe that Heineken is low in stock and it decides to restock; it follows through its decision. If we opt for a simple Humean account,⁴² we can say the following: the store’s belief about stock level is realized by the manager checking the stock level and reporting it to the owner; the

⁴¹ Notice that this is different from Michael Bratman’s requirement of shared intentional activity, namely, agents with shared intention need to intend to coordinate what they intend to do individually—they need to “mash their subplans.” My account is different because individual agents can fulfill their special quasi-obligations without mashing subplans (*e.g.*, imagine a workplace with vicious office politics and everyone is stepping on each other’s toes when they do their jobs).

⁴² What I mean by a “Humean” is someone who believes that representational states (*e.g.* belief) and motivational states (*e.g.* desire) are distinct. The content of a belief is determined by the world, but it does not have any downstream causal effect of changing the world unless it is coupled with a certain desire. For example, List and Pettit believe that a corporation is a Humean agent because it has “representational states that depict how things are in the environment” (something analogous to beliefs), “motivational states that specify how it demands things to be in the environment” (something analogous to desires), and “the capacity to process its representational and motivational states, leading it to intervene in the environment whenever that environment fails to match a motivating specification” (List and Pettit 12).

store's desire or intention to restock is realized by the owner deciding what to do and the employees executing the decision. Moreover, the owner knows that the manager is doing his job, the manager knows that the owner and the assistant are doing their jobs, and the assistant knows that the manager is doing his job. Hence, the owner, the manager and the assistant constitute a set that satisfies (Met).

The other criterion is what I call the Normative Criterion (Norm):

(Norm) Several individual agents constitute an entity CA and CA is a composite agent_(Norm) if, and only if, there exists some consideration R and action ϕ such that

1. each individual agent m has or believes that she has R as her reason for ψ_m -ing, where ψ_m -ing is an action that may vary with m ,
2. (a) CA ϕ -s if and only if some individual agent(s) ψ_m -s, where ϕ -ing is an action distinct from any ψ_m -ing, and
(b) CA ϕ -s, and
3. each individual agent is aware that other agent(s) in CA may act on R .

The universal quantifier in clause 1 is outside of the scope of the disjunction, *i.e.*,

$$\forall m(m \text{ has } R \vee m \text{ believes that } m \text{ has } R)$$

The relation between individual agents is characterized by the sharing of a reason. A reason for action is a consideration that favors the performance of an action (type). It need not be something that actually causes or motivates someone to act (although one would think that it has to be something for which someone may act). One may have a reason that favors the performance of an action regardless of whether one actually performs that action. “Sharing of a reason” is a shorthand of the following: when two agents share a reason, each of them has, or believes that she has, the same consideration for some action, where the action may not be the same for both of them. In other words, although the reason is said to be the same, there may be different favoring relations between considerations and actions.

The two-criterion account proposed above superficially resembles Tracy Isaacs's account. Isaacs argues that “organizations” and “goal-oriented collectives” are two kinds

of composite agent that need to be accounted for separately. Examples of organizations include “[c]orporations, nonprofit groups, nations, universities, departments of philosophy, and professional sports teams” (Isaacs 24–25). They can act intentionally because they have institutional structures resembling that of a Humean agent. Examples of goal-oriented collectives include “[t]wo people going for a walk, three people painting a house together, a thousand people doing the wave at a sports events, or tens of thousands of people ‘Running for the Cure’,” as well as the perpetrators of Rwanda genocide (Isaacs 25). They can act intentionally because for each of them, the collective aims at a certain end (whether it is “Running for the Cure” or the extermination of an ethnic group) and all of its members intend to bring about that end. The end is aimed at (or intended) by the collective instead of each of its members because the end may not be something that can be achieved by any member individually. Finally, things like the perpetrators of global warming do not constitute a composite agent because they “lack a joint goal around the achievement of which a group comes together in solidarity” (*ibid.*).

However, contrary to Isaacs, I think individual agents can constitute a composite agent without constituting an organization or having a joint goal; they can constitute a composite agent_(Norm) by having or believing to have the same reason R , while the action favored by R and the strength of R can be different for each individual. The so-called “joint goal” can be something indeterminate and the composite agent_(Norm) can end up doing something that cannot be regarded as the goal common to all members. I shall come back to this point when I discuss examples of composite agents_(Norm) in the next section.

The reason shared by members of the composite agent_(Norm) may not be given by the special relation between any of them. It might be said that these members must stand in some special relation with each other, namely, the relation of sharing a reason. However, it is not because they stand in this special relation with each other that they share the same reason; rather, it is because they share the same reason that they stand in this special relation with each other. Of course, it is possible that they all stand in some *other* special relation that gives each of them genuine special obligation to each other, but this is not necessary.

Similar to individual agents in a composite agent_(Met), each of the individual agents in a composite agent_(Norm) must not believe that she is on her own. She should be aware of the fact that there are other agents who may act on the same reason, even though she may not know who they are or what exactly they would do.

To see how (Norm) works, imagine that Joseph of Arimathea and Nicodemus are about to roll a stone to close the entrance of a tomb after they laid the body of Jesus inside. The reason R for each of them to push the stone in a certain way, so that the stone would roll to the right place, is that Jesus was a respected rabbi who deserves to be buried properly. If Joseph pushes the stone at a certain angle with a certain force (*i.e.* $\psi_{\text{Joseph-S}}$) and Nicodemus pushes the stone at a different angle with a different force (*i.e.* $\psi_{\text{Nicodemus-S}}$), the composite agent_(Norm) constituted by them, CA_N , would cause the stone to roll (*i.e.* ϕ -ing). Here, $\psi_{\text{Joseph-ing}}$, $\psi_{\text{Nicodemus-ing}}$ and ϕ -ing are different actions (consider the direction of force applied through each of them). Moreover, CA_N ϕ -s if, and only if, Joseph $\psi_{\text{Joseph-S}}$ or Nicodemus $\psi_{\text{Nicodemus-S}}$.

Now, imagine a deviant case. Suppose Joseph only pretends to ψ_{Joseph} , and the stone rolls somewhere else (let's call this " $\phi_{\text{alt-ing}}$ "). Two things may be said about this. First, if $\phi_{\text{alt-ing}}$ is not distinct from $\psi_{\text{Nicodemus-ing}}$, *i.e.* Nicodemus does everything, then clause 2 is not satisfied and there is no composite agent_(Norm). Second, if $\phi_{\text{alt-ing}}$ is distinct from $\psi_{\text{Nicodemus-ing}}$ (and $\psi_{\text{Joseph-ing}}$), then clause 2 is satisfied and CA_N does something different from what it would have done if Joseph actually $\psi_{\text{Joseph-ed}}$. One may think of the second interpretation as analogous to someone throwing a ball intending to hit a target: because of a sudden pain in her wrist the moment before the ball leaves her hand, the ball misses the target entirely. If there were no sudden pain, she would have thrown the ball differently and the ball would have hit the target. Whether $\phi_{\text{alt-ing}}$ is distinct from $\psi_{\text{Nicodemus-ing}}$ depends on how one fills in the detail of the story and it is not to be decided by my theory.

(Norm) also applies when individual agents are mistaken about what reasons they have or do not have. Imagine that several women are about to visit Jesus's tomb with spices, planning to anoint Jesus's body. Unbeknown to them, the body has disappeared. Therefore, these women have no reason to visit Jesus's tomb. There is no body to be

anointed, so what they believe to be a reason is untrue. Also, at this point, they have no reason to suspect that Jesus’s body has disappeared; so they have no reason to check the tomb either. However, it seems that these women constitute a composite agent_(Norm) as much as Joseph and Nicodemus do. (Norm) captures this intuition by the disjunction in clause 1.

Notice that it is not necessary for each member of a composite agent_(Norm) to think that she is ϕ_m -ing for the purpose of collective ϕ -ing. They do not even need to share a common purpose. However, in order for them to constitute an entity that ϕ -s (instead of an entity that happens to be coextensive with an entity that ϕ -s at a particular time),⁴³ each of them needs to have the same reason R or believe that she has that reason.

The idea that there is a metaphysical criterion and a normative criterion of being a composite agent is inspired by Carol Rovane’s discussion of personal identity. John Locke famously argues that there is a distinction between the criteria of animal identity and personal identity. Unlike “animal,” Locke thinks that “person” is a “forensic term” and we “appropriat[e] actions and their merit” only to entities that satisfy the criterion of personal identity (bk. 2, ch. 27, sec. 26). The identity of an animal over time is established by spatiotemporal continuity; whereas the identity of a person over time is established by the continuity of consciousness (the memory criterion). Historically, the memory criterion has been understood as a metaphysical criterion that purports to explain the moral significance of personhood in non-moral terms; on this interpretation, Locke is wrong because, as Bishop Joseph Butler rightly points out, memory presupposes personal identity. However, Rovane proposes what she calls a “revisionary” interpretation of Locke: instead of thinking that the continuity of a person explains the appropriation of

⁴³ Here is an example of individual agents constituting an entity that happens to be coextensive with an entity that ϕ -s at a particular time. Suppose business startup C is a two-person company; Amy and Bill are both its owners and employees. C negotiates a contract with another company, but in the middle of the negotiation (time t), Bill quits and Amy becomes the sole owner and employee. C eventually closes the deal with the other company. Now, the entity that negotiates the contract is identical to the entity that signs the contract. Then, it must be C , not the composite agent constituted by Amy and Bill, which negotiates the contract, even though C and the composite agent constituted by Amy and Bill are coextensive prior to time t .

actions and their merit to that person, we should think that the appropriation of actions and their merit establishes the continuity of a person. The contrast between animal and personal criteria is not the contrast between two metaphysical criteria (spatiotemporal extension and memory), but the contrast between the metaphysical and the ethical criteria. Rovane thinks that the criterion of personal identity is that of rational unity. A person is an agent unified by its committed pursuit of projects, *i.e.* it takes rational steps to achieve its goals; whereas an animal agent may continue to exist without such a rational unity (imagine something like Dory the blue tang in *Finding Nemo*). From this she argues that composite agents are possible, because a person need not be embodied in one animal.

In order to show that composite agents_(Met) and composite agents_(Norm) belong to two distinct kinds, I will give examples that satisfy (Met) but not (Norm) and examples that satisfy (Norm) but not (Met).

2.3 EXAMPLES SHOWING THAT COMPOSITE AGENTS_(MET) AND AGENTS_(NORM) ARE DISTINCT

I will start with an example that satisfies (Met) but not (Norm). The Abwehr was a German military intelligence agency from 1921 to 1944. William Sebold was an American immigrant from Germany who worked as a double agent for the FBI. At first, he was blackmailed into becoming an agent of the Abwehr when he visited his mother in Germany, and he was eventually assigned to a spy ring in New York. He revealed the matter to the United States Consulate before he returned to the United States, telling consulate officials that he wished to cooperate with the FBI. So he became an agent for the FBI as well. His activities led to the dissolution of the spy ring (Kahn 331–333).

It seems obvious that the Abwehr was a composite agent. It collected intelligence in New York, among other things. It also had rules and regulations that defined the special quasi-obligations of various roles played by its members (different ranks of intelligence officers, radio engineers, division heads, *etc.*). When they acted on their roles, the Abwehr functioned as an agent with beliefs about the world and intentions (or desires) to change the world. Since the Abwehr is more complicated than the corner store example that I

discussed earlier, let me make up an oversimplified scenario to illustrate the point. Suppose some intelligence officers found out about Sebold's personal history and reported it to those who analyzed information and made plans based on the intelligence collected. Further suppose that the relevant decision-makers decided that they should blackmail Sebold after they reviewed his case. They ordered a team of officers to blackmail Sebold; the team made follow-up plans and executed them. Here, actions of the officers who found out about Sebold's personal history and reported it realized a belief the Abwehr had, namely, its belief about Sebold's personal history; actions of those who made the decision about what to do with Sebold and issued the order to blackmail him realized an intention or desire the Abwehr had; and actions of the blackmailing officers added more fine-grained content to the intention to blackmail Sebold; so on and so forth. Moreover, Sebold was aware that there were other people doing their jobs at the Abwehr, even though Sebold only knew some of them personally. This shows that all clauses of (Met) are satisfied and so the Abwehr was a composite agent_(Met).

However, the Abwehr was not a composite agent_(Norm). Sebold was a spy of the Abwehr; he gathered information for the Abwehr and executed its decisions. His membership could be sufficiently established by certain written or oral agreement between him and the Abwehr agents who contacted him, his spy school training, the internal communication and documents of the Abwehr, *etc.* However, either he had no reason to ϕ_{Sebold} , where ϕ_{Sebold} -ing was part of what it took for the Abwehr to ϕ (to collect intelligence in New York, serve Nazi Germany, *etc.*), or his reason to ϕ_{Sebold} would not be the same as the reason his colleagues at the Abwehr had or believed that they had for ϕ_m -ing. If he had any reason to ϕ_{Sebold} , it would be that of self-preservation, or that the FBI told him to do so. Once he was free from the threat of the Abwehr, or the FBI told him to stop, he would have no reason to ϕ_{Sebold} .

So now we have an example that satisfied (Met) but not (Norm). Examples like this are easy to find. Senior executives of AT&T have a reason for brokering a deal to buy T-Mobile, namely, to eliminate a competitor and maximize the profit of AT&T (which would in turn profit the senior executives). However, this need not be the reason its in-house lawyers (especially those who do not have any AT&T stock) have for drafting the

contract of this deal. Its lawyers may hate AT&T's monopoly on the GSM service in the United States (and rightfully so), and yet they still work for AT&T because it pays a good salary. Or the directors of the International Mission Board (IMB) of the Southern Baptist Convention have a reason to steer IMB to provide humanitarian aids in some of the most impoverished regions in India (rather than other underdeveloped regions with a prominent Christian presence), namely, to evangelize residents in those regions. Its volunteers need not share this reason. Their reason for volunteering in India could simply be to serve the poor; they would do so even if they believe that none of the people they serve would be converted (and let's say they join IMB instead of other non-religious NGOs because working with IMB is the only opportunity they have).

Next, I will turn to examples that satisfy (Norm) but not (Met). A ready example would be the stone-rolling case that I discussed earlier. To recall, Joseph and Nicodemus are about to roll a stone to close the entrance of a tomb after they laid the body of Jesus inside, and they constitute a set that satisfies (Norm). However, (Met) is not satisfied because Joseph and Nicodemus are not trying to fulfill the special obligations associated with the practical roles they play. For example, perhaps they are friends with one another, but they are not acting on the special obligation of being a friend when they bury Jesus. Now, one might object by claiming that each of them has the obligation to push the stone because the participation of one party has raised the expectation of continued participation in the other party. For example, because Joseph has done all the burial preparation with Nicodemus prior to moving the stone, Nicodemus expects Joseph to move the stone together. There are two responses to this objection. First, there is no role from which the obligation arises. The mere fact that one has raised some expectation in someone else does not indicate that the two are in any special relationship (*e.g.*, in order for the two to be in, say, a contractual relation, something more is needed). Second, even if there is an expectation of continued participation, I do not see why the expected action has to be regarded as obligatory rather than supererogatory. It would be rude for Joseph to stop working with Nicodemus after they put Jesus's body into the tomb, leaving Nicodemus to roll the stone by himself, but this is not a failure in fulfilling an obligation.

If the distinction between obligatory and supererogatory is not obvious enough in the stone-rolling case, consider the following case instead. Typhoon Vicente blew six containers carrying tons of plastic nurdles into the sea off the coast of Hong Kong. A week later, some local residents saw layers of plastic nurdles piled up on many beaches. They reported it to the authorities, only to realize that the officials already knew about the incident and were doing little to clean up the mess. Out of desperation, the local residents called for the public to clean up the beaches themselves and publicized relevant information on the Internet. Hundreds of people responded. Some went to the beaches to remove plastic nurdles; some went to check on remote beaches and spread the word on the Internet when they discovered new polluted spots, resulting in more cleanup efforts; some shared information about how to separate the nurdles from the sand efficiently, and many people followed suit.

In this case, the volunteers who attempted to alert the authorities, removed plastic nurdles in beaches, surveyed the shoreline for unknown polluted spots, publicized useful information, *etc.* shared a reason for doing so, namely, to protect the ocean. In doing what they did with the common reason they shared, they constituted a composite agent_(Norm) that cleaned up plastic nurdles on the shoreline. However, (Met) is not satisfied because they were not fulfilling their special quasi-obligations associated with the practical roles they occupied in what they did. Perhaps most of them were citizens of Hong Kong, and Hong Kong *qua* political community could be regarded as a composite agent that acts. However, they were not acting on their special obligations as Hong Kong citizens when they did what I described above. The special obligation of a citizen does not obligate one to, say, go out to the beaches to remove plastic nurdles. Moreover, arguably, the composite agent that cleaned up the beaches was not Hong Kong; the authority did not orchestrate the clean up.

Now, imagine two complications. First, suppose there was a volunteer who shared useful information online and encouraged people to go down to the beach. However, she did not do so to help clean up the plastic nurdles. She believed that most plastic nurdles were in the water and they would be consumed by marine life or broken down into plastic molecules before they were washed up to the shore. That is, she did not think that

cleaning up the beaches was very important *per se*. However, she believed that mobilizing people to remove plastic nurdles on beaches was still a good thing to do because it would raise the public awareness of marine conservation and plastic pollution. On my view, she was also a member of the composite agent that cleaned up the beaches. Although she did not ϕ_m (*i.e.* share useful information online) for the purpose of collective ϕ -ing (*i.e.* to clean up the plastic nurdles), her reason for ϕ_m -ing (*i.e.* to protect the ocean) is the same as other members' reason for ϕ_m -ing, and her ϕ_m -ing played a part in causing the event that could be identified with the collective ϕ -ing.

Second, suppose there was another volunteer who went down to the beach to clean up so that she could brag about it on Facebook later. She did not care about plastic pollution or ocean conservation. She only believed that posting pictures of her working along side with other volunteers would make her look cool. Now, was she a member of the composite agent that cleaned up the beaches? It depends on whether she had the same reason that other volunteers had for ϕ_m -ing. There are two points to bear in mind when one evaluates the case. First, sometimes a person can have a reason for action that she does not know she has, and she performs the action for a different reason (*e.g.*, Amy does not believe that she has a Good Samaritan reason for saving a pedestrian who passes out on the street, but she saves the pedestrian out of her desire for praise). Second, sometimes personal circumstances can prevent a person from have a reason for action that she would have otherwise (*e.g.*, Amy does not know there is a pedestrian that passes out in her proximity, or she does not know what she can do in order to help, assuming that the ignorance is inculpable). The volunteer who tried to look cool did not share the reason for action other volunteers had (*i.e.* to protect the ocean) if she had no belief about the relation between cleaning up the beach and ocean protection. Otherwise, she had the reason that other volunteers had even if she did not recognize it as her reason for action or acted from this reason.

The explication of the second complication may give rise to an apparent counterexample. The White Rose was a non-violent resistance group in Nazi Germany that consisted of a professor and some students at the University of Munich. They created and distributed anti-Nazi leaflets, until Gestapo arrested the most recognized members of

the group. The White Rose was a composite agent_(Norm) with its members sharing the following reason for action: to overthrow the repressive Nazi regime that was causing disaster both at home and overseas. Now, imagine (fictionally) the Gestapo sent an undercover operative to infiltrate the White Rose. She participated in the creation and distribution of the anti-Nazi leaflets, so that other members of the White Rose would believe that she wanted to overthrow the Nazi regime with them. According to (Norm), this undercover operative would be a member of the White Rose as long as she had the same reason for creating and distributing leaflets that other members did, despite the fact that she did not believe that was the case. Let's further suppose that she did have the reason other members of the White Rose had, namely, the Nazi ought to be overthrown (as a matter of moral fact). This seems to yield a counterintuitive result: the Nazi undercover operative was a member of the White Rose.

But I think the result is not counterintuitive. A composite agent_(Norm) can consist of members who do not believe that they share a reason for action. In this case the composite agent_(Norm) is defective because it cannot act effectively through its members' acting on the reason they share—because of the action of the Nazi undercover operative, the White Rose failed in its mission.

For the sake of completeness, I will discuss a case in which all member agents are mistaken about the reasons they actually had. According to a CNN report by Katie Hunt and Habib Nasir in 2012, an eleven-year-old Pakistani Christian girl was accused of burning pages from the Qu'ran, which was in violation of the blasphemy law in Pakistan. A hundred and fifty angry Muslims gathered at where the girl lived, a poor Christian neighborhood, and threatened to burn everything down. The reason for which these Muslims turned up and threatened to attack the Christians was that the Christian girl blasphemed, but that was no reason for them to do what they did—as Hasan Mehdi points out, it was not even mandated by their own religion. However, it seems that the mob was a composite agent_(Norm) as much as the beach-cleanup volunteers were a composite agent_(Norm). These confused Muslims constituted a set that satisfied (Norm) by believing that they had a particular reason for persecuting the Christians.

Finally, it is worth noting that a set of individual agents may satisfy both (Met) and (Norm) at a particular time, but the composite agent_(Met) and composite agent_(Norm) constituted by them are still distinct entities. Suppose several Muay Thai enthusiasts decide to practice together regularly and promote Muay Thai to their college peers (by, for instance, inviting friends to watch their practice), for their love of Muay Thai. In doing so they constitute a composite agent_(Norm) at time t_1 . After a while, these enthusiasts form a Muay Thai club and they register the club with the university at time t_2 . At this point, the Muay Thai club is a composite agent_(Met) constituted by all the members of the composite agent_(Norm), the Muay Thai enthusiasts. As a university sports club, it has the institutional structure mandated by the university (*e.g.*, it must have a constitution, certain executive positions, *etc.*). It also welcomes any student who can afford to pay a small due to join. It recruits some new members at time t_3 . Many of the new recruits know nothing about Muay Thai; they join the club solely out of curiosity or to meet new friends. These new recruits are members of the composite agent_(Met) as long as they pay their due and fulfill any other special obligations as members of the club, but they are not members of the composite agent_(Norm) constituted by the enthusiasts. In this case, (Met) and (Norm) are satisfied by the same set of individuals at t_2 , but not so at t_1 or t_3 . At t_1 (Met) is not satisfied (no club) and at t_3 (Met) is satisfied by a different set of individuals (newbies have different reasons for participating in club activities). Therefore, the composite agent_(Met) and composite agent_(Norm) constituted by the Muay Thai enthusiasts at t_2 are not identical.

2.4 COMPLICATIONS

Now, I will consider some complications to the simple account I have been giving so far.

Can Several Agents Constitute a Composite Agent Merely For The Sake Of It?

Before answering this question, let's remind ourselves of the distinction between the reason for doing something and the reason for which one does something: the latter is the consideration one takes to be the reason for her action, which may or may not be a reason (*i.e.* the consideration that favors an action) one actually has. Therefore, while one

may do something for the sake of it, one may not have any reason for doing it, unless it is something with intrinsic value.⁴⁴

Individual agents constitute a composite agent_(Met) as long as they act in ways that fulfill their special quasi-obligations associated with their practical roles and believe that some other people may do the same. They can do so for any reason or even no reason, and certainly they can do so for the sake of constituting the composite agent_(Met). For example, some members of a traditional Kendo dojo (a Japanese fencing school as an organization, not the building in which people practice) may try to keep the dojo alive just for the sake of it. The dojo is a composite agent_(Met) because of the way its members related to each other: there are formal and informal institutions that govern the actions the sensei (the head teacher), the students, a senpai (senior), a kohai (junior), *etc.*, as well as the interactions between them. However, whether the members have any reason for keeping the dojo alive (or believe that they do) is a separate issue. One could argue that keeping the dojo alive itself can be a reason for keeping it alive because the tradition itself has intrinsic value: the tradition that consists in the relations between dojo members and the martial art they practice has aesthetic value. But obviously, not all composite agent_(Met) have intrinsic value.

Individual agents constitute a composite agent_(Norm) as long as they share a reason and believe that some other people are in situations relevantly similar to theirs. This reason can possibly be anything, including the existence of a composite agent_(Norm). For example, imagine three college friends looking for things to do together when they hang out. They hang out because, well, they want to, *i.e.* for the sake of it. But hanging out is not just a matter of physical proximity (and thanks to technology, people now can hang out through the Internet). It is constituted by doing something together. Now, suppose these college friends decide to go fishing in Galveston together. None of them are particularly interested in fishing, but this is something they can do together, and that they

⁴⁴ This is incompatible with an extreme form of Humean view, namely, that one has a reason for doing something as long as one wants to do it, and one wants to do it as long as one is motivated to do it. I think it this is a highly implausible view.

can do it together is a reason for choosing fishing over other activities (*e.g.*, a trip to London). So one of them drives, one catches a huge drum fish (while the driver catches none), one just takes picture, so on and so forth. In this case, the composite agent_(Norm) constituted by them go fishing (ϕ -ing), despite the fact that one member does not fish at all. And each of them does the driving, fishing or photographing (ϕ_m -ing) for the sake of hanging out. To put it differently, when they hang out, they constitute a composite agent_(Norm) that ϕ -s and the reason they believe they have for ϕ_m -ing is to bring this composite agent_(Norm) into existence.

Even strangers can constitute a composite agent_(Norm) just for the sake of it. There was a Youtube video of two strangers having a spontaneous jam session in a New York subway train that had gone viral. A narrator explained in front of the camera that the lady with a ukulele and the man with a set of bongos had never met one another before. The duo played a song together. Like the stone-rolling case, the song was performed by the duo, not solely by either one of the musicians. It also appears that there was no particular reason for the musicians to do so (one may say that the reason for doing so was to have fun or to make oneself famous, but it need not be the case). The musicians did not seem to do it for any particular reason—except for the sake of doing it. We may conclude that the musicians constitute a music-playing duo and each of them played music with the following reason: bringing this music-playing duo into existence.

Transient Composite Agents

On my account, there can be lots of composite agents in the world at any given time and many of them overlap with each other. However, many of these composite agents are very short-lived.

It is easy to see why there can be many short-lived composite agents_(Norm). Someone drops a pile of documents and sheets of paper are flying around on the street. Several pedestrians stop to help her to collect the documents, and leave quickly after it is done. These pedestrians share the same reason (kindness) for helping and they constitute a composite agent_(Norm) that exists for a very brief period of time. This kind of case is probably more common than things like the beach-cleanup case.

There are also many short-lived composite agents_(Met). When one hires a taxi, a sales contract is formed between the passenger and the driver (for simplicity, let's just suppose that the passenger pays the taxi fare by herself and the driver is self-employed). According to the contract, the passenger has (among other special obligations) the special obligation to tell the driver the destination and pay the driver for her service, and the driver has (among other special obligations) the special obligation to drive the passenger to the destination named.⁴⁵ They constitute a composite agent_(Met) with the intention to deliver the passenger to the destination. This composite agent_(Met) disappears once the contract is discharged. This may happen in various ways. It could be that the taxi arrives at the destination and the passenger pays in full (*i.e.* discharge by performance). It could be that the taxi was heavily hit by another car before it arrives at the destination (*i.e.* discharge by frustration). In any case, the composite agent_(Met) does not last.

Borderline Cases

There are borderline cases of composite agents and vagueness can manifest itself on multiple levels. First, the exact time at which the clauses in (Met) or (Norm) are satisfied can be vague. This makes the temporal boundaries of the composite agent (the time it comes into existence and the time it ceases to exist) fuzzy, although we would know that the composite agent in question exists at some point. I will call this “boundary vagueness.” Second, the scope of the quantifier in “several individual agents...” in (Met) and (Norm) can also be vague. In this kind of case, it would be unclear as to whether a particular individual agent should be included in the “several agents” that constitute the composite agent in question. I will call this “scope vagueness.” Third, in some circumstances, the conditions that make the boundaries or scope of a composite agent vague can make an alleged composite agent itself a borderline case. I will illustrate each kind of vagueness by examples.

⁴⁵ Special obligations here can be any kind of contractual terms—conditions, warranties or innominate terms. Because we are not interested in legal responsibilities here, we do not need to complicate things by concerning ourselves with these distinctions.

Let's start with a case of boundary vagueness. Consider the composite agent_(Norm) constituted by the Muay Thai enthusiasts again. Each of its members may come to have or believe that she has a reason for promoting Muay Thai at different time. They may become aware of the existence of other Muay Thai enthusiasts on campus at different times. Some of them may be in certain personal circumstances that make it difficult to determine whether they have the reason (*e.g.*, having injuries that would prevent one from practicing Muay Thai). These complications make it difficult to pinpoint the exact time at which the composite agent_(Norm) comes into existence.

Boundary vagueness can also manifest in a composite agent_(Met). Imagine a person distributes free food items to homeless people at a park regularly. After a while, several other people see what she does and decide to join her effort. The number of volunteers grows over time, and they serve more and more people. They begin to have some division of labor—some are responsible for gathering food items from donators, some operates a catering truck, some distribute food, *etc.* The structure of the division of labor becomes clearer and more sophisticated. At some point, they decide (*i.e.* all of them agree) to become a 501(c)(3) nonprofit. Now, we know that there certainly is a composite agent_(Met) when there is a nonprofit, because in order to be a nonprofit there must be some special obligations imposed on different members of the organization. But it seems that the composite agent_(Met) comes into existence before that—it comes into existence when an organizational structure that can be characterized in terms of special quasi-obligations emerges. We do not know the exact time (When they start to assign special obligations to each other orally? Or when they write down some rules on a piece of paper? Or would it all be implicit in the interaction between the volunteers?), but we know it happens some time between several people join the person who starts it all and the nonprofit registration.

Next, we will consider a case of scope vagueness. Watsons Water is a producer and distributor of distilled water in Hong Kong. Its products include bottled water for distilled water dispensers and it delivers water bottles to its customers by trucks. It used to employ all of its delivery workers directly. However, starting in 2012, the company encourages its delivery workers to form their own delivery teams and become self-employed. The self-employed workers would do the same thing as before, except that the company would

pay them slightly more and stop providing benefits. Watsons Water is a composite agent_(Met). Are these self-employed workers members of this composite agent_(Met), despite the fact that they are now contractors of the company instead of its employee? We would normally regard the employees of a company as its members, and those who make other kinds of contract with the company (*e.g.*, its suppliers and customers) as someone who is not part of the company. Legally speaking, the self-employed workers are like suppliers of the company—they supply delivery services using the equipment provided by the company. However, it seems strange to regard them as suppliers like the suppliers of plastic nurdles or bottling machines—it seems that workers are more *like* employees. This is vagueness in demarcating composite agents_(Met) in the web of practical roles. Is the practical role of a self-employed delivery worker a practical role in the composite agent_(Met) constituted by other employees and shareholders of Watsons Water, or is it merely a practical role in the transient composite agent_(Met) that is coextensive with the contract between Watsons Water and the worker? I do not know.⁴⁶

Another case of scope vagueness is the status of shareholders of a company. Including some IBM stock in one's investment portfolio does not make one a member of IBM. But some types of share give the shareholders the rights to vote on directors nominated by the board of directors or other important decisions of the company. Are these shareholders members of the company? And what if one is a shareholder of a company that owns shares of another company—is one a member of the latter? I take it that at least one of these cases is a borderline case.

Now, imagine a company that has no employee and is fully owned by a single person.⁴⁷ The labor it needs in order to operate is entirely provided by the self-employed

⁴⁶ If you think that the self-employed workers are obviously members of the composite agent_(Met) constituted by Watsons Water's employees and shareholders, consider a case in which the contractors are companies instead of individual self-employed workers. For example, a feeder airline is a regional airline contracting with a major airline that operates under the latter's brand name. It transports passengers between hubs of the major airlines and the surrounding regions. Are pilots and flight attendants of the feeder airline members of the composite agent_(Met) constituted partly by the employees and shareholders of the major airline? (I am inclined to say no in this case, but intuition may vary with different people.)

⁴⁷ This is an unusual case, because an owner of a solo business would usually employ herself for the purpose of tax benefits.

workers the company hires. Do we have a composite agent_(Met) here at all? If the practical role of a self-employed worker is a practical role in the composite agent_(Met) constituted also by the owner of the company, then we have a composite agent_(Met). Otherwise we do not have any composite agent_(Met) because the company is constituted by one individual agent. But the case of self-employed workers is a borderline case. Therefore, this is a borderline case of composite agent rather than a borderline case of the boundaries or scope of a composite agent.

The purpose of discussing these borderline cases is to acknowledge their existence and not worry about them. The fact that there are borderline cases should not be seen as a threat to the idea that there are composite agents, just as sorites should not be seen as a threat to the idea that there are heaps (of sand, dust, beans, rice, *etc.*). Moreover, the existence of borderline cases should not be seen as a threat to (Met) or (Norm). In the cases discussed above I showed that they can be explained along the distinction I intend to draw.⁴⁸

2.5 OBJECTIONS

I will now consider some objections to my proposal that there are two kinds of composite agent, if which instances of one kind satisfy (Met) while instances of the other kind satisfy (Norm). My opponents may (a) deny that (Met) or (Norm) is a criterion of being a composite agent (objections 1–3) or (b) argue that they can be replaced by another criterion (objections 4–5).

Objection 1. Some might think that some cases of bystander effect are counterexamples against (Norm). In a case of bystander effect, all the bystanders have a reason for intervention (*e.g.* saving a person who got stabbed by calling 911, trying to stop the bleeding...) and yet they all fail to act on such a reason one way or another, resulting in collective inaction. According to my view, a set of bystanders satisfy (Norm) if the

⁴⁸ Isaacs also thinks that collectivity comes in degree (45–48), but she conceives of the degree of collectivity in terms of the degree of coordination between members of the composite agent in question. This is different from my view, in which the degree of coordination is not the only factor in play.

resulting event can be identified as the action or inaction (*e.g.* letting die) of the would-be composite agent_(Norm) constituted by them.

Isaacs does not think that bystanders can constitute a composite agent (141–144). She agrees that there are times when we appear to attribute obligations or responsibilities for inaction to a random collection of persons. For Issacs, bystanders would constitute such a “random” collection; it is random in the sense that they happen to be around the scene and get involved by accident. But she denies that such a collection is an agent. In response to Virginia Held and Larry May, who maintain that a putative group can be held morally responsible for actions and inactions, Isaacs argues that a putative group can have putative obligations at best, and it certainly cannot act. She worries that regarding random collections of individuals as agents trivializes the concept of a composite agent. A putative group would need to be transformed into a composite agent by its members when they choose a decision-making procedure or form a collective goal around which their individual actions would revolve. If Isaacs is correct, one might think that some cases of bystander effect are counterexamples of (Norm) because there is no composite agent in those cases and yet (Norm) is satisfied.

I do not have any strong intuition as to whether bystanders can constitute a composite agent. Either way, these bystander cases are not counterexamples of (Norm). If the inaction of the bystanders (*e.g.*, letting die) is not regarded as an action (because the bystanders do not do anything that causes the event in question to happen), then the set of bystanders does not satisfies clause 2 of (Norm) and there is no composite agent_(Norm). If the inaction of the bystanders is regarded as an action (because there is no significant difference between killing and letting die), then I would simply reject Isaacs’s worry. My account does not trivialize the concept of a composite agent because “random” does not mean arbitrary here. On my account, although a random group of persons can satisfy (Norm), not just any arbitrary set of persons can satisfy (Norm).

Objection 2. One may argue that (Met) is satisfied in all cases and (Norm) is irrelevant. Once one judges that several agents constitute a composite agent, one can simply construct the role-defining social relations between them. All one needs to do is to stipulate a method that can determine the information states of the composite agent based

on the mental states, preferences or actions of its members. It is in virtue of satisfying (Met) that something qualifies as a composite agent.

However, this objection presupposes a problematic view about composite agent. If the method can always fix the information states of a composite agent by taking any set of mental states, preferences or actions of individuals as input, then it cannot distinguish composite agents from mere aggregates of agents. Some people are not bothered by this. List and Pettit think that we can assume anything to be an agent when we try to ascribe representational and motivational states to it under what Daniel Dennett calls the “intentional stance” (List and Pettit 23). Their sole concern is to develop a method (*i.e.* an algorithm) that can accurately predict the representational and motivational states ascribed to the composite agent under the intentional stance. This explains why they think that generation X and the financial market are agents. However, this approach is unsatisfying. It seems that for List and Pettit, we always get a description of an action when an action-verb is predicated of a physical subject. Commonsense suggests that there is some deep difference between Hurricane Katrina devastating New Orleans and the Syrian Army devastating Homs; but for List and Pettit it would only be a difference in the physical nature of the intentional states involved in each case. Since part of the purpose of the present discussion is to explicate the concept of a composite agent given how we ordinarily think of actions and agents, their view is not acceptable.

Objection 3. One may argue that (Norm) is satisfied in all cases and (Met) is irrelevant. One may think that the composite agent itself has a reason for ϕ -ing and it automatically becomes a reason all its members have. The idea is a Davidsonian one: the primary reason for action is the cause of action that would rationalize the action; what rationalizes an action is something that “leads us to see something the agent saw” (Davidson 1963: 685), namely, its pro-attitude towards the action and what it believes about the action. Now, the Abwehr, AT&T and IMB are composite agents with various information states. A reason for ϕ -ing is a set of relevant representational and motivational states of the composite agent (*i.e.* a version of internalism of reason); it causes and rationalizes the event of ϕ -ing. If there is a reason that causes and rationalizes actions of the composite agent, the same reason also causes and rationalizes actions of its members. It is a mistake

to think that members do not have this reason simply because they do not think that it is a reason; one can be mistaken about what reason one has. Therefore, one reason both Sebold and his colleagues at the Abwehr had for spying in New York was the same as the Abwehr's reason for collecting military intelligence for Nazi Germany (*e.g.*, the collective desire to advance the interest of Nazi Germany).

But the objection is misguided. One might think that an agent's reason for action has to be a reason for which she can act, and so her reason for action has to be related her own desires or "motivational set" one way or another (Williams 1981). However, in the present case, the beliefs and desires that supposedly constitute the Abwehr's reason for collect military intelligence were not Sebold's beliefs and desires. Although they play some role in explaining some of Sebold's actions (*e.g.*, they explain why Sebold was coerced), they do not rationalize Sebold's actions in the way that my desire to stay dry can rationalize my action of carrying an umbrella.⁴⁹ In other words, the motivation behind the Davidsonian view is the internalism of reason, but a reason that is internal to the composite agent is not internal to its members. Therefore, internalism does not motivate this objection.

Objection 4. Instead of trying to fit all my examples under either (Met) or (Norm), one may try to come up with an alternative criterion that can be satisfied by all of them. Let's call it "the criterion of shared intention." One way of specifying the alternative criterion would be to adopt Bratman's account of "shared intentional agency." According to Bratman, several agents constitute a composite agent that intends to ϕ if, and only if, each of them intends that the group ϕ "by way of the other's corresponding intention," "of meshing sub-plans," "of interdependence in persistence," and "of relevant mutual responsiveness" ("Agency, Time, and Sociality" 15). Suppose Amy and Bill intend to go to San Francisco together; Amy will drive and Bill will ride with her. On Bratman's view,

⁴⁹ There are additional considerations for rejecting the idea that a reason for action is simply what is motivating. Michael Smith has argued that we should reject the Humean theory of normative reasons even if we accept the Humean theory of motivating reason, while Jonathan Dancy has argued in *Moral Reasons* that the distinction between normative and motivating reasons is a bad one, and beliefs and desires are not the sort of things that can be reasons at all.

that means Amy intends that both of them go to San Francisco by way of Amy's intending to drive there and Bill's intending to ride with Amy, and Bill intends the exact same thing. The contents of their intentions (*i.e.* motivational states with action plans as their contents) reference one another. They need to cooperate with each other over an extended period of time (*e.g.*, Bill needs to get ready on time so that Amy can leave town at the agreed time; Amy needs to pick up Bill at the agreed spot so that Bill can get onto the car). Notice that Amy and Bill do not need to have all the detail of their subplans worked out right away; as soon as each of them intend that they act together (*i.e.* "I intend that we...") they have a shared intention.

However, Bratman's criterion of shared intentional agency does not apply in all cases of (Met) and (Norm). First, members of a composite agent_(Met) need not intend that they act together by way of meshing subplans, *etc.* Imagine the operation of a "zombie" company: a zombie company is a failing business propped up by government financial support for various political reasons. Members of the zombie company, regardless of their positions, do not care about the profitability or any stated goal of the company, or the harm it does to society. They only fulfill the special quasi-obligations prescribed by their job titles and pay no attention to any bureaucratic or mismanagement issues. In other words, they do not care if the fulfillment of one member's special quasi-obligation may undermine the fulfillment of another member's special quasi-obligation—they have no intention to mesh subplans or act with mutual responsiveness. But a zombie company is a composite agent_(Met) as much as Google is a composite agent_(Met). Or imagine an organization in which members have different visions about the future of the organization. There may be internal strife and members with disagreement may try to undermine each other's work—not only do they have no intention to mesh subplans, they intend to undermine each other's subplans. And they can do so while they fulfill their own special quasi-obligations.

Second, members of a composite agent_(Norm) also need not to intend that they act together by way of meshing subplans, *etc.* Like their counterparts in a composite agent_(Met), they may act on their shared reason without any intention to mesh subplans. For example, consider a case in which several disorganized individuals constitute a composite

agent_(Norm) that saves children from a burning house. Image that a house is on fire and several children are trapped inside. Several nearby individuals share a reason to do something for the children, namely, to alleviate the suffering of the children, but they disagree on what exactly they should do. Some believe that they should put out the fire by water first; some believe that they should cover themselves in wet blankets and break into the house to search and save the children first and all of them should do this in order to find the children quickly. They eventually decide to act separately and proceed to do what they believe to be right. Let's stipulate that it would be too late to save the children if they all have to wait until the fire is extinguished, and parts of the house is too hot for anyone to reach the children. However, those who try to put out the fire cool down the house significantly by water, which makes the search and save mission possible for those who want to save the children first. At the end, the children are saved.

Now, one may think that there is no composite agent in this case because there is no cooperation. John Searle has a case to highlight the distinction between having cooperation and not having cooperation:

Business School Case 1

Imagine a group of Harvard Business School graduates who were taught and come to believe Adam Smith's theory of the invisible hand. After graduation day, each goes out in the world to try to benefit humanity by being as selfish as each of them possibly can and by trying to become as individually rich as they can. Each does this in the mutual knowledge that the others are doing it. Thus, there is a goal that each has, and each knows that all the others know that each has it and that they know that each knows that each has it. All the same, there is no cooperation. There is even an ideology that there should be no cooperation. This is a case where the people have an end, and people have common knowledge that other people have that end, but there is no collective intentionality in my sense.

Business School Case 2

There is a second possible case where we imagine they all get together on graduation day and make a solemn pact that they will each go out and try to

help humanity by becoming as rich as they can and by acting as selfishly as they can. All this will be done in order to help humanity. In this case there is a genuine cooperation and genuine collective intentionality even though it is a higher level of cooperation to the effect that there should be no lower level cooperation. I want to say that the first case is not a case of collective intentionality and the second case is a case of collective intentionality. (*Making the Social World* 48)

On Searle's account, there is a collective intentionality in Case 2 because "mak[ing] a solemn pact," a speech act of declaration, creates what he calls "we-intentionality." Searle use Cases 1 and 2 as a case against reducing "we-intentionality" to individual intentionality (*i.e.* "I intend that..."). On Bratman's account, neither Case 1 nor Case 2 is a case of shared intentional agency because in both cases, the business school graduates have no intention to mesh subplans, *etc.*; whereas if the business school graduates in Case 1 change their mind and decide to mesh their selfish subplans, *etc.*, they have shared intentional agency without making a solemn pact. Therefore, rejecting my fire-fighting case by saying there is no cooperation in Searle's sense would not be a good Bratmanian response, because a Bratmanian case of shared intentional agency need not have cooperation in Searle's sense. (But Searle's consideration may constitute its own objection to my account, which I will discuss shortly.)

Therefore, I conclude that (Met) and (Norm) cannot be replaced by the criterion of shared intentional agency. However, we need to consider the following question: should we think that a given set of individual agents do not constitute a composite agent unless each of them possess some *sui generis* collective or joint intention?

Objection 5. On Bratman's view, the meshed sub-plans are not a special kind of intention, but, rather, intentions with a special kind of content. Now, instead of adopting Bratman's account, one might instead appeal to a special kind of intention, that is, a sort of group-oriented intention, when one tries to establish an alternative criterion of being a composite agent. For example, Searle thinks that each member of a composite agent has a "we intention" of the same content, where a "we intention" is "biologically primitive" and distinct from an individual intention (*The Construction of Social Reality* 24). Raimo

Toumela has a similar idea. He tries to distinguish what he calls the “we-mode reasoning” from the “I-mode we-reasoning.” The former requires everyone in the alleged composite agent to have a certain “we-attitude”—if other people do not have the we-attitude that one has, one is not we-mode reasoning (whereas one can I-mode we-reason solely by oneself). It is in virtue of everyone’s we-mode reasoning that there is a composite agent that reasons and acts.⁵⁰ Toumela seems to believe that the condition of having a certain we-attitude can eventually be specified in neuropsychological terms (68–69).

The problem with this sort of account is that, instead of explaining what the criterion of being a composite agent is, it only labels what needs to be explained. Searle claims that such a biologically primitive type of brain state can be identified in *all* members of a composite agent. But natural science suggests the opposite.⁵¹ Toumela’s view has the same problem. It is highly unlikely that science will identify the physical property (neurological or not) possessed by all of those who we-reason that they will do a particular thing together, *i.e.* have a we-attitude of the same content, that is not possessed by those who do not have the we-attitude.

One may try a line of argument that does not regard a shared “intention” as a mental state or something reducible to individual mental states. On Gilbert’s view, several individual agents constitute a composite agent if and only if they are “jointly committed to espousing as a body” a certain goal (*A Theory of Political Obligation* 146) or to having a certain attitude. According to Gilbert, “[a] joint commitment is a kind of commitment of the will” created by “the wills of two or more people” (*A Theory of Political Obligation* 134). A “commitment of the will” is “a commitment resulting solely from an act or state of a

⁵⁰ According to Toumela, the “Collectivity Condition” has to be satisfied in order for someone to we-mode reason rather than I-mode we-reason:

(GCC) It is necessarily true ... that the participants’ shared we-attitude toward p (here assumed equivalent to the group’s attitude toward p, that is, $ATT(g,p)$) is satisfied for a member A_1 of g (qua a member of g) if and only if it is satisfied for every other member of g (qua a member of g).
(49)

⁵¹ This is what neuroscientists actually do, according to John Cacioppo and Jean Decety: “Social neuroscience seeks to specify the neural, hormonal, cellular, and genetic mechanisms underlying social behavior, and in so doing to understand the associations and influences between social and biological levels of organization” (163). Social properties possessed by a group of individuals need not be reducible to biological properties possessed by each individual in the group.

will or wills” (*A Theory of Political Obligation* 128). That is, the joint commitment itself is not a psychological state or mental act but rather a “result” of it. So instead of appealing to a special kind of mental state, Gilbert’s account appeals to a special kind of state resulting from ordinary individual mental states or activities.

The creation of a joint commitment is constituted by the expression of “readiness for joint commitment” by every agent and the common knowledge of such expression of readiness. Once there is a joint commitment, it is supposed to guarantee that members of the composite agent have reasons for performing actions that “conform to the commitment” (Gilbert, *A Theory of Political Obligation* 147)—each member owes such actions to members in the group.

However, it is unclear what such owing-relation would amount to, and so it is unclear what exactly a joint commitment is. Or to put it differently, “members in the group” is ambiguous. Is the owing-relation a one-to-one relation, or is it a one-to-many relation? At first, Gilbert claims that each member owes conforming actions to the composite agent espoused by them (*i.e.* the entity constituted by members in the group), and whoever commands the members to act must do so “in the name of” the composite agent (*A Theory of Political Obligation* 154). However, a few paragraphs down, Gilbert makes an unwarranted shift and claims that “[g]iven the above considerations, one can see that (and how) those who are jointly committed with one another owe *each other* conforming actions” (*A Theory of Political Obligation* 155, my emphasis). If a member owes her conforming actions to the composite agent, the owing-relation is a one-to-one relation; whereas if a member owes her conforming actions to other members, then the owing-relation is a one-to-many relation. If it is not clear what the owing-relation is, the account does not tell us much about what a joint commitment is or how a joint commitment can be a reason for performing conforming actions. In particular, the paradigmatic case of individual commitment, promising, would not help us understand joint commitment because we do not know what the analogue of the promisor-promisee relation is in the latter case.

Then, the proposal of joint commitment does not say much about the content of the alternative criterion but only give us a label. There is no improvement when we move from Searle's account to Gilbert's account.

2.6 CONCLUSION: THE SIGNIFICANCE OF THE DISTINCTION

I argued that there two distinct kinds of composite agent. Instances of one kind satisfy (Met),

(Met) Several individual agents constitute an entity CA and CA is a composite agent_(Met) if, and only if,

1. each individual agent is directly related to at least one other agent in CA and indirectly related all other agents in CA , and the direct relation(s) define the practical role(s) of each individual agent,
2. (a) actions of an individual agent realizes the information states (beliefs, desires, intentions, *etc.*) of CA when she acts on the special quasi-obligations associated with the practical roles mentioned in 1, and
(b) these information states can be invoked to explain or predict actions of CA , and
3. each individual agent is aware that other individual agent(s) in CA may act on the special quasi-obligations associated with their practical roles.

while instances of the other kind satisfy (Norm).

(Norm) Several individual agents constitute an entity CA and CA is a composite agent_(Norm) if, and only if, there exists some consideration R and action ϕ such that

1. each individual agent m has or believes that she has R as her reason for ϕ_m -ing, where ϕ_m -ing is an action that may vary with m ,
2. (a) CA ϕ -s if and only if some individual agent(s) ϕ_m -s, where ϕ -ing is an action distinct from any ϕ_m -ing, and
(b) CA ϕ -s, and
3. each individual agent is aware that other agent(s) in CA may act on R .

This is an important distinction for those who believe that facts about being a member of a composite agent have some normative significance. There is some sort of practical failure on one's part if one is a member of a composite agent_(Norm) and yet the shared reason plays no role in her practical deliberation. For example, if I (like five other people around me) believe that I have a reason for helping a seemingly wounded victim nearby, and yet I neglect that belief and leave the scene quickly, there is some practical failure on my part even if I do not actually have that reason (*e.g.*, because the wound is fake). By contrast, there may not be any practical failure on one's part when one is a member of a composite agent_(Met) and yet the quasi-obligation plays no role in her practical deliberation—it is perfectly fine to neglect the demands from the West Side Reading Group. If one conflates different kinds of composite agent, one would misattribute the normative significance to the wrong composite agent.

Moreover, in neither case does reference to the composite agent itself play a role in grounding the obligation its members have. On the one hand, one may conceive of a democratic society as a polity with formal and informal political institutions, including (informal) norms that require its members to participate in politics. In this case, a polity is a composite agent that satisfies (Met), and the political institutions specify the special quasi-obligations associated with being a citizen. The polity plays a role in explaining why certain quasi-obligations exist and membership explains why these quasi-obligations apply to of certain individuals. But more needs to be said about whether these quasi-obligations are genuine obligations, and neither the polity nor membership plays any role in that explanation. On the other hand, one may conceive of a democratic society as a political community with shared democratic values and norms. In this case, a political community is a composite agent that satisfies (Norm), and the shared democratic values and norms give its members a reason for participating in politics (namely, an obligation to do so). But what gives each individual member the reason is the values and norms themselves, not the fact that they are shared or communal. The community constituted by value-sharing individuals does not play any role in explaining why the member has the reason for participating in politics.

Therefore, the claim that a citizen has the moral obligation to participate in democratic deliberation in virtue of being a member of a democratic society does not seem promising. Regardless of whether political culture is understood as the formal or informal institutions of a polity, or as shared values and norms of society, it is idle in explaining or grounding the obligation to participate in politics. It is possible that certain values shared by members of society give rise to an obligation to participate in politics, but whether the values are shared is irrelevant and so there is no need to make reference to the culture that embeds these values.

CHAPTER 3: THE HARM AVOIDANCE ARGUMENT

In a democratic society with decent social order, actions of the polity are supposed to be determined by its constituents' decisions concerning the law and their compliance with the law. This raises a question about the moral obligation a citizen may have with respect to the actions of the polity. It seems plausible to think that a citizen should behave in a way that would minimize the chance of the polity unjustifiably harming the well-being or impeding the self-determination of someone, especially when she does not need to sacrifice anything of comparable moral significance.

In this chapter, I will develop an argument for the obligation⁵² to participate in democratic deliberation.⁵³ The argument depends on two moral claims: that it is morally wrong for anyone to unjustifiably harm someone's well-being or impede someone's self-determination, and that everyone has an obligation to avoid participating in collective wrongdoing. The argument roughly goes as follows: To avoid participating in the collective wrongdoing perpetrated by one's polity, one needs to determine whether the laws (or potential laws) one complies (or would comply) with constitute government policies that are unjustifiably detrimental to anyone's well-being or self-determination, and try to change them if they are.⁵⁴ In order to determine whether government policies are unjustifiably detrimental to anyone's well-being or self-determination, one needs to determine whether any of the policies in question is disallowed by a set of action-guiding principles that no one can reasonably reject.⁵⁵ This would require one to participate in democratic deliberation. Therefore, one has an obligation to participate in the

⁵² Unless otherwise noted, "obligation" means defeasible moral obligation.

⁵³ To recall from Chapter 1, to participate in democratic deliberation is to engage in some public act that involves the giving, weighing, accepting or rejecting reasons that guide political procedures. The act is public in the sense that the acting agent can justify the act to someone else.

⁵⁴ Government policies can be defined as action plans of the government determined by the enactment (including repealing an existing law) or enforcement of the law. The executive and judiciary branches enforce the law enacted by the legislative branch. The existing law also defines the power each branch of the government has in terms of enactment and enforcement of the law. Government policies can be changed by enacting new law or by changing how a law is to be enforced.

⁵⁵ This is an extension of T.M. Scanlon's contractualism, which will be discussed in detail in the next section.

democratic deliberation of one's polity. In the next three sections, I will explain and justify the premises of this argument one by one. In the last section, I will discuss issues surrounding the culpability of failing to fulfill this obligation when it is not defeated.

The concepts of "wrong," "defeasible obligation," "responsible," "excuse" and "culpable" are related to one another in the following way. "It is wrong to ϕ " entails that there is an obligation to avoid ϕ -ing. The obligation is defeasible because particular circumstances may render it impossible to avoid ϕ -ing, or the obligation may be outweighed by other obligations when it conflicts with them. If an agent is responsible for ϕ -ing and ϕ -ing is wrong, she is culpable for ϕ -ing unless she is excused. "Culpability" means blameworthy. When an agent is excused for doing something wrong, she is not blameworthy for doing so (although what she does is still wrong).⁵⁶

Before I lay out the justification and explanation of the premises of my argument in detail, I want to motivate my argument by an analogy. Under normal circumstances, it is morally wrong to hit someone with a car. It can be wrong in two different ways. It is morally wrong to hit someone willingly, *e.g.*, attempting to badly injure someone out of revenge. It is also morally wrong to hit someone out of negligence, *e.g.*, texting while driving. Under some extraordinary circumstances, it is morally permissible or excusable to hit someone with a car, *e.g.*, when a pedestrian suddenly jumps in front of the car out of nowhere and it is impossible to avoid hitting her. What follows from these moral intuitions is that one has an obligation to avoid hitting someone with a car to the extent that one can.

There are multiple ways to fulfill this moral obligation. Perhaps the simplest way would be to avoid driving altogether. But this may not be an option. For whatever reason, one may already be driving (*e.g.*, after moving to a small town with no public transportation) and it would be too late to fulfill the obligation by not driving. Even if one is kidnapped and forced at gunpoint to drive, our moral intuition suggests that one still

⁵⁶ Wrongfulness, obligation, responsibility, excusability, culpability and blameworthiness come in degree. But for the sake of convenience, I will talk as if they are all-or-nothing notions.

ought to avoid hitting someone with the car.⁵⁷ Or one may be morally obligated to drive because driving is necessary for fulfilling one's obligation to care for oneself or others. If one is already driving or is morally obligated to drive, then one would need to fulfill one's obligation to avoid hitting someone by driving safely. Driving safely requires one to do something actively. One needs to learn how to drive properly and actively watch out for other cars and pedestrians when one is behind the wheel. One also needs to make sure that the car is safe to drive, which requires one to maintain the car and pay attention to any mechanical abnormality while one is driving.

The obligation to participate in democratic deliberation is similar to the obligation to drive safely in some important respects. Members of a democratic society collectively determine the laws of their political institution, and they give these laws causal efficacy by complying with them. On the national level, most members are born into the polity and the rest choose to enter by choice (immigration); both of them are like drivers who are already driving. A political institution can "run people over" with its bad laws in a metaphorical sense. So members who neglect to participate in democratic deliberation or fail to participate in a proper way are like a driver who fails to drive safely.

But driving is not a perfect analogy. For one thing, in the case of political institution, the political institution, not any of its individual members, perpetrates the wrongful act of "running people over." It takes further argumentation to show that (some) individual members have done something wrong when the composite agent constituted by them acts wrongfully (Section 2). Moreover, there needs to be an account of what constitutes institutionally "running people over" to make precise what exactly the metaphor means (Section 1).

3.1 UNJUSTIFIABLY HARMING THE WELL-BEING OR IMPEDING THE SELF-DETERMINATION OF SOMEONE

A polity "runs someone over" when it unjustifiably harms someone's well-being or impedes someone's self-determination. In this section, I will extend T.M. Scanlon's

⁵⁷ Of course, if one were being forced *to hit someone* with a car, the considerations in play would be different.

contractualism to characterize the wrongfulness of wrongdoing perpetrated by a polity and flesh out the concept of unjustifiability. I shall note upfront that this is not an account of public reason or public justification and I will explain this towards the end of this section. After that, I will explain what it is for someone to participate in the collective wrongdoing perpetrated by the polity.

Harm to Well-Being and Impediment to Self-Determination

In order to see what the metaphor of “running people over” amounts to, we may take a step back to reflect on why hitting someone with a car is morally wrong under normal circumstances. Here is a suggestion: it is morally wrong because it is unjustifiably detrimental to the victim’s well-being and self-determination.⁵⁸ It is detrimental to the victim’s well-being because it would severely harm her health or even cause her death. It is detrimental to the victim’s self-determination because it would incapacitate the victim or even end her existence as a free acting agent. It is unjustifiable because it is unreasonable for the driver to do this to the victim under normal circumstances and the victim has very good reasons to refuse this treatment.

It is uncontroversial to say that harming someone’s well-being or impeding self-determination is at least *prima facie* wrong.⁵⁹ This claim does not presuppose a particular normative theory in ethics, as one can reach this conclusion using any common normative theories.⁶⁰ Nor does it presuppose that the wrongfulness of harming someone’s well-being is distinct from the wrongfulness of harming someone’s self-determination. It could be that impeding someone’s self-determination is *prima facie* wrong because self-

⁵⁸ Presumably it can be wrong for other reasons too (*e.g.*, it is illegal and one has a moral obligation to obey the law in general regardless of what the ground of the law is), but I believe the explanation I just give is a major and obvious one.

⁵⁹ That means harming someone’s well-being or impeding self-determination is an action that calls for moral justification—it is morally wrong if none can be provided (by contrast, saving a drowning child is not an action that calls for moral justification). Unjustifiable harming or impeding is wrong, which implies a defeasible moral obligation to avoid doing so.

⁶⁰ For example, it follows from the utilitarian theory that not harming someone’s well-being or impeding someone’s self-determination is a utility-maximizing rule and so a good action-guiding rule of thumb. It is obviously that the Kantian theory disallows harming someone’s self-determination because it violates someone’s autonomy. It can also be argued that the Kantian theory disallows impeding someone’s well-being without justification because that would fail to respect that person’s humanity.

determination constitutes well-being, or *vice versa*, depending on one's favorite value theory.

The complete list of things that constitute well-being and self-determination is a subject of dispute, but some items are obviously. For example, everyone would agree that excruciating pain constitutes the lack of well-being. Everyone would also agree that freedom of movement constitutes self-determination. Being tied to a chair or confined in a house constitutes the lack of self-determination.⁶¹

A polity, like an individual human agent, can harm someone's well-being or impede someone's self-determination. To recall, a polity is a composite agent_(Met), which satisfies the following criterion:

Several individual agents constitute an entity *CA* and *CA* is a composite agent_(Met) if, and only if,

1. each individual agent is directly related to at least one other agent in *CA* and indirect related all other agents in *CA*, and the direct relation(s) define the practical role(s) of each individual agent,
2. (a) actions of an individual agent realizes the information states (beliefs, desires, intentions, *etc.*) of *CA* when she acts on the special quasi-obligations associated with the practical roles mentioned in 1, and
(b) these information states can be invoked to explain or predict actions of *CA*, and
3. each individual agent is aware that other individual agent(s) in *CA* may act on the special quasi-obligations associated with their practical roles.⁶²

Citizens are members of the polity and their legal obligations are the quasi-obligations associated with their citizenship. By calling the legal obligations "quasi-obligations," I leave open the possibility that the polity or its law is illegitimate, *i.e.* it lacks political

⁶¹ Impediment to one's self-determination can be understood as hindrance to one's *potential* preferred course of action. "Potential" is added to the definition in order to avoid cases in which the agent change her preference *in light of* the hindrance to a course of action (*e.g.*, a slave may choose to avoid doing things that she knows her master would not allow her to do).

⁶² The criterion is discussed in Chapter 2.

authority. One may also think that the quasi-obligations associated with citizenship go beyond legal obligations (*e.g.*, the civic duty to vote). But for my purpose I will only stay with uncontroversial cases—legal obligations—because everyone would agree that if a citizen has any quasi-obligation *qua* citizen, it must include what the law requires her to do.

A polity acts when the government enacts and enforces laws and when the citizens (including both government officials and private citizens) comply with the law actively or passively. The polity cannot act if, for whatever reason, its citizens do not comply with the laws enacted by the government (consider the Democratic Republic of Congo, or any failed state in the world).

The polity can harm someone's well-being or impede someone's self-determination if the government enacts and enforces laws (with the compliance of its citizens) constituting policies that are detrimental to someone's well-being or self-determination. For example, when the southern states enacted and enforced the Jim Crow laws, they harmed the well-being and impeded the self-determination of their African American citizens. Some of the laws were detrimental to the self-determination of African Americans because they effectively disenfranchised the African Americans through poll taxes, literacy and comprehension tests, residency requirements, *etc.* Segregation laws were also detrimental to the well-being of African Americans, as they vastly reduced the quantity and quality of the public facilities available to African Americans. The result was detrimental to self-determination as well, since it hurt the upward social mobility of African Americans.

However, sometimes a polity can be justified in harming someone's well-being or impeding someone's self-determination. For example, the criminal justice system is designed to impede the self-determination of criminals. A polity is justified in doing so for retribution, the benefit of locking up criminals (*e.g.*, to deter potential criminals, to remove dangerous criminals from the streets...), or some combination of both. Harming someone's well-being or impeding someone's self-determination is wronging someone only if it is *unjustifiable*.

Unjustifiability

If a polity is an acting agent, then it can wrong someone by its action like a human agent can. Here, I am extending T.M. Scanlon's contractualism to account for the unjustifiability of the actions of a polity. Scanlon thinks that one's action is wrong if one cannot justify it to someone else—that is, the latter can reasonably reject the principle the former appeals to when the former tries to justify her action. Scanlon's contractualism is the view that “an act is wrong if its performances would be disallowed by any set of principles for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced general agreement” (153). Notice that unjustifiability is a sufficient condition—a justifiable act can be morally wrong for a different reason. Scanlon intends his account to be limited to “a narrower domain of morality having to do with our duties to other people, including such things as requirements to aid them, and prohibitions against harming, killing, coercion, and deception” (6).

The purpose of invoking Scanlon's account is to show a plausible link between political morality and morality from an individual perspective (including moral concerns from the so-called private sphere). Regardless of its merits as a metaethical theory, Scanlon's account has at least carved out a domain of individual morality and provided a sufficient condition for something to fall within this domain (*i.e.* the sufficient condition of being wrong).⁶³ My point is that institutional wrong, or wrongful actions performed by a political entity, falls within this domain as well.

It is obvious that hitting someone with a car while driving drunk is unjustifiably detrimental to the victim's well-being and self-determination. It also seems obvious that it is not unjustifiable for a polity to impede the self-determination of criminals as long as it is not excessive (although people may disagree on what the justification would be).

⁶³ Some (*e.g.*, David Sosa) hold that Scanlon's account is not a substantial metaethical account because unjustifiability, or negative moral judgment, does not explain wrongfulness; some may argue that it should be the other way around. Sosa also argues that it does not have a plausible theory of motivation. If these criticisms hold, then contractualism does not solve the dilemma it is set out to solve. These are not my concerns. I do not need the metaethical explanatory relation; I only need the sufficient condition. All I need for my purpose is that people can recognize the justificatory force of reasons (perhaps without being motivated by it) and that people can describe reasons without using the word “wrong.”

However, many cases are not as obvious. For example, suppose the marriage law of a polity only recognizes the union between a man and a woman. Is this polity unjustifiably harming the well-being and impeding the self-determination of homosexual couples and polygamists in the polity? Such a law is detrimental to the self-determination of these two groups of citizens, because they cannot form a type of socially-recognized, self-chosen familial relation that heterosexual monogamists can. The law is also detrimental to their well-being, as they cannot enjoy many legal and social protections that married couples enjoy. But is the law *unjustifiably* detrimental to their well-being and self-determination?

On Scanlon's contractualist view, there is no predetermined list of theories, principles or reasons of justification.⁶⁴ Reasonable rejection may come in many different forms, and it involves taking into consideration the points of view of those who would be burdened or benefitted by the principles. Here is an example. Consider a principle that permits hitting someone with a car while driving drunk. Can anyone reasonably reject this principle, whatever that might be? Yes, the victim has strong reason to reject such a principle. Now, consider a principle that disallows hitting someone with a car while driving drunk (*e.g.*, a principle that requires "one to prevent injury or death when one can easily do so" while "operat[ing] an automobile" (Scanlon 231)). Can anyone reasonably reject this principle? No. The potential victim, who would benefit from this principle, has no good reason to reject it. Neither can anyone whose interest may be harmed by this principle reasonably reject it. For example, imagine someone who rejects the principle by the follow reason: "it would be inconvenient for me if I can't drive home and risk hitting someone on my way after I get drunk at the bar." This rejection would be rather unreasonable, given what would happen to the victim while being hit by a car. One can reach this conclusion after comparing what would happen to the victim if drunk-driving is allowed and what would happen to the drunk driver if drunk-driving is forbidden.

According to Scanlon, the reasons one appeals to in a reasonable rejection have to be personal reasons. The following example illustrates the distinction between personal and

⁶⁴ By contrast, according to, say, utilitarianism, one is justified in performing an action if and only if the action satisfies the principle of utility.

impersonal reasons. Suppose I reject a principle that permits burning up Van Gogh's paintings for wanton pleasure. If the reason I appeal to is that Van Gogh's paintings are intrinsically valuable, I am appealing to an impersonal reason. Whereas if the reason I appeal to is that if anyone burns the paintings, *I* would not be able to look at them and appreciate their beauty anymore, I am appealing to a personal reason. The strength of this personal reason (or whether it is a reason at all) depends partly on whether the paintings are intrinsically valuable and the intrinsic value of a particular kind of wanton pleasure (say, the wanton pleasure generated by burning up expensive paintings). That is, impersonal reasons can be the reasons that certain personal reasons are reasons at all.⁶⁵ Scanlon limits the appeal to reasons in a reasonable rejection to personal reasons because he is working on a limited domain of morality, namely, "what we owe to each other." When I claim that no one should burn Van Gogh's paintings for wanton pleasure because it is intrinsically valuable, I am appealing to an impersonal reason and not making a claim about what other people owe me. But when I say that no one should burn Van Gogh's paintings because I want to look at them, I am appealing to a personal reason and making a claim about what other people owe me, namely, the obligation not to destroy Van Gogh's paintings (at least not for wanton pleasure).

In the case of gay marriage ban, one may consider the following. Can anyone reasonably reject the principles that sanction the ban? Yes. Gay couples can reasonably reject these principles because the principles do not provide good reasons for differential treatment.⁶⁶ Opponents of gay marriage may try to provide a reason for differential treatment by arguing that allowing gay marriage constitutes a threat to *their* chosen way of

⁶⁵ Different philosophers may have different terminology for this distinction. For example, Jonathan Dancy would call impersonal reasons "enablers" (if they determine whether something is a reason or not) or "intensifiers" (if they determine the strength of a reason); cf. *Ethics Without Principles*.

⁶⁶ Here is an example of a good reason that justifies differential treatment: a color-blinded person cannot become a commercial pilot because she would not be able to "to perceive those colors necessary for safe performance of airman duties" (Federal Aviation Administration).

A conservative may claim that gay people are not being treated differently because no one is allowed to marry a person of the same sex. My reply is that gay couples and heterosexual couples are being treated differently in terms of the restriction on their self-determination. Gay people cannot marry their romantic partners while heterosexual people can.

life, an appeal to a personal reason for rejecting principles that forbid the ban. I have a hard time fleshing out the threat-to-chosen-way-of-life argument; but if, unbeknown to me, someone can, then the account of moral unjustifiability here does not settle the issue. Otherwise, gay marriage ban is unjustifiably detrimental to the self-determination of gay people.⁶⁷

A polity, as an agent, also owes other creatures (including individual human agents) moral obligations of the sort described above. To name an obvious example: Nazi Germany wronged many German Jews during World War II by murdering them. What it means is not that Nazi Germany has exercised illegitimate authority over its Jewish citizens; it means that Nazi Germany has done something morally wrong to the Jewish citizens it murdered in the sense that a sadistic serial murderer has done something morally wrong to her victims.

There is nothing in Scanlon's account that prevents me from extending his account to include composite agents as wrongdoers. Scanlon defines "the range of creatures towards whom one can behave wrongly" (178) by the following list, which defines the range by narrowing it down:

- (1) Those beings that have a good; that is, those for which things can go better or worse
- (2) Those beings in group (1) who are conscious, and capable of feeling pain
- (3) Those beings in group (2) who are capable of judging things as better or worse and, more generally, capable of holding judgment-sensitive attitudes
- (4) Those beings in group (3) who are capable of making the particular kind of judgments involved in moral reasoning (Scanlon 179)

This list defines who can be wronged, and it does not restrict the kind of agent that can do the wronging (*e.g.*, the wrongdoer does not have to be an agent that can feel pain).

⁶⁷ I will leave this as it is because I do not want to reproduce the whole debate on gay marriage here. My purpose is merely to illustrate how the consideration about the wrongfulness of the action of the state may proceed.

I should also note that Scanlon rejects the following as a limitation on the range of creatures that can be wronged:

- (5) Those beings in group (4) with whom it is advantageous for [one] to enter into a system of mutual restraint and cooperation (*ibid.*)

If (5) were included, one might argue that a polity cannot wrong anyone because there is no one with whom it is advantageous for *it* to enter into a system of mutual restraint and cooperation. With (5) excluded, the set of beings that a polity can wrong is not empty.

When one uses the contractualist framework to decide whether a certain action of a polity is unjustifiably detrimental to the well-being or self-determination of someone, one needs to consider the points of view of those who would be benefited or burdened by the principles that disallow or permit the action. A polity is a composite agent. What would be considered as beneficial or burdensome to a human agent is quite different from what would be considered as beneficial or burdensome to a composite agent (*e.g.*, the latter does not experience pain, so it cannot be burdened by painful experience; nor does the latter have conscious emotions).⁶⁸ Therefore, when one uses the contractualist framework to decide whether a certain action of a polity is wrong, the consideration will be largely on the benefits or burdens on its members instead of the polity itself.⁶⁹

Scanlon's account clearly has a connection with the social contract tradition (and thus the name "contractualism").⁷⁰ But it is an account of substantive moral principles rather than an account of public justification or public reason, even when the account is extended to characterize the wrongdoing of polities.

⁶⁸ Composite agents (or groups in general) do not have consciousness, which entails that they do not have conscious emotions. When a spokesperson of the Chinese government claims that certain comments made by the international community "hurt the feelings of the Chinese people," the claim should be understood distributively. But Bryce Huebner argues that groups can have emotions nonetheless.

⁶⁹ The Supreme Court complicated things when it ruled that corporations are persons that have the freedom of speech (*Citizens United v. Federal Election Commission*) and freedom of religion (*Burwell v. Hobby Lobby*). It seems as though the self-determination of a corporation, a composite agent, and the self-determination of a human agent, can be impeded in a similar fashion. While I believe that the Supreme Court was mistaken in both cases, I shall avoid a lengthy digression on this issue by focusing on cases that does not involve considering the benefit or burden on the polity itself.

⁷⁰ "The idea of a shared willingness to modify our private demands in order to find a basis of justification that others also have reason to accept is a central element in the social contract tradition going back to Rousseau" (Scanlon 5).

An account of public reason describes how laws can be justified to all of those who are subject to the authority of these laws. It can also be seen as describing a method of conflict resolution—how citizens holding different, sometimes conflicting, values and opinions can come to an agreement about what the government should or should not do. The account often provides some criteria of what counts as a legitimate reason in political discourse in order to screen out reasons that cannot be accepted by everyone. For example, on John Rawls’s account, comprehensive doctrines cannot be used to justify the basic structure of society (the principles that govern the basic structure are not up for democratic deliberation), because they are not doctrines that everybody would agree to.⁷¹ Citizens can appeal to *reasonable* comprehensive doctrines to support laws and policies only when they are not concerned with the basic structure.⁷² Gutmann and Thompson think that the considerations that one can appeal to in justifying laws and policies in the political discourse must satisfy certain “principles of preclusion,” including the requirement that “the argument for the position must presuppose a disinterested perspective that could be adopted by any member of a society” (*Why Deliberative Democracy?* 72).⁷³ Gerald Gaus’s justificatory liberalism requires that the public reasons are “stable in the face of acute and sustained criticism by others and of new information” (31). Some accounts of public reason may also exclude certain participants. For example, Rawls’s

⁷¹ The basic structure is “a society’s main political, social, and economic institutions, and how they fit together into one unified system of social cooperation from one generation to the next” (Rawls, *Political Liberalism* 11). A moral, philosophical or religious doctrine is comprehensive “when it includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole” (Rawls, *Political Liberalism* 13).

⁷² A reasonable comprehensive doctrine “covers the major religious, philosophical, and moral aspects of human life in a more or less consistent and coherent manner” and “singl[es] out which values to count as especially significant and how to balance them when they conflict” (Rawls, *Political Liberalism* 59). It “normally belongs to, or draw upon, a tradition of thought and doctrine.” (*ibid.*) A citizen can appeal to reasonable comprehensive doctrines to support laws and policies that are not concerned with the basic structure (Rawls, *Political Liberalism* 245–246).

⁷³ Unlike Rawls, Gutmann and Thompson believe that the justification of the basic structure should be settled by actual deliberation instead of Rawls’s ideal deliberation behind the veil of ignorance. However, they also want to exclude certain items from reaching the political agenda, *e.g.*, racial discrimination, because they “deserve no place on the political agenda” (*Why Deliberative Democracy?* 70). Therefore, they use the principles that govern the process of deliberation to filter out positions on which people cannot reasonably disagree with one another.

account excludes those who do not accept the burdens of judgment from the public discourse.⁷⁴ Jürgen Habermas does not specify the criteria of legitimate reasons; instead he proposes constraints on the process through which the exchange of reasons can take place. Robert Adams thinks public reason can only play a limited role in resolving political conflict and Ruth Chang has suggested that different conflicts in political discourse may call for different approaches of conflict resolution.⁷⁵

The extended contractualist account of unjustifiability is different from an account of public reason in both its aim and its content. Unlike an account of public reason, the contractualist account does not aim at providing a sufficient condition of justified laws. Rather, it provides a necessary condition. Or in other words, it provides a sufficient condition of laws that a polity ought not to have.

Nor does it stipulate any rule to exclude any reason (or alleged reason, if a bad reason is not a genuine reason) from being a justificatory reason for laws. It does not provide a method to resolve conflicts within in social cooperation. Rather, it explains why people should commit themselves to resolving the conflicts in the first place. To recall, the enemy of my project is political apathy, the spectator-sports mentality in politics and social *un*-cooperation—each citizen acts unilaterally (or fails to act altogether) to the extent that the political institution allows her to, without regards of other citizens' concerns. One of my main concerns is to show that there is a moral obligation to participate in social cooperation. The proponents of public reason are concerned with

⁷⁴ A person who rejects the burdens of judgment believes that moral disagreement is not reasonable. According to Rawls, there are two aspects of a reasonable person. First, she is “ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so” (*Political Liberalism* 49). Second, she is willing “to recognize the burdens of judgment and to accept their consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime” (*Political Liberalism* 54). A person may be willing to propose fair terms of cooperation and to abide by them, but she may also believe that the terms she proposes are the only possible fair terms and all reasonable people should recognize that. On Rawls's account, this person is unreasonable and she cannot be a partner of fair social cooperation.

⁷⁵ According to Chang, “[r]easonable approaches to practical conflict seek to achieve substantive values that typically go beyond those at stake in the conflict itself, while rational approaches seek to conform to the norms governing intrinsic, well-functioning deliberation” (“Reflections” 138), and “the rationality of a social choice is determined neither simply by the objective social good nor simply by the people's beliefs but by some combination of the two, what I will call the *social value*” (“Reflections” 151). Sometimes the structure of social conflict calls for a rational approach rather than a reasonable approach.

specifying the fair terms of social cooperation. Public reason does not give citizens reasons for cooperation; in fact, it may give certain citizens a reason not to cooperate by deeming certain classes of people unreasonable. It is not my goal to provide a complete account about how polarized citizens should resolve or reconcile their disagreement in politics.

Later in this chapter, I will argue that citizens of democratic society are morally obligated to determine whether actions of their polity (the enactment and enforcement of laws) are unjustifiably detrimental to someone's well-being or self-determination and try to change those actions if they are. This obligation requires them to consider whether the actions are disallowed by the principles that no one affected by the actions can reasonably reject. Before I can reach this conclusion, I need to explain why members of a polity have an obligation to avoid participating in the collective wrongdoing perpetrated through the actions of the polity and the implication of this negative obligation.

3.2 PARTICIPATING IN COLLECTIVE WRONGDOING

When a polity unjustifiably harms someone's well-being or impede someone's self-determination, what does that say about its members? Actions of a polity are not directly attributable to its members. Policymakers play crucial roles in determining actions of the polity—for example, lawmakers constitute Congress, which enacts laws—but actions of the lawmakers are not identical to actions of the polity (in fact, not even identical to actions of Congress). Suppose Congress declares a war on another country; individual members of Congress do not declare a war. Moreover, the declaration would not have any actual effect if the President does not act on the declaration of war, or if (as unlikely as it sounds) members of the military refuse to follow orders. Private citizens are even more removed from actions of the polity. What a private citizen does often has little impact in determining what her polity does, and the former is certain not to be identified with the latter.

The relation between the wrongfulness of the actions of the composite agent_(Met) and the obligations of its members is not straightforward. A composite agent_(Met) acts when its members fulfill their quasi-obligations associated with their practical roles. There are several possibilities when a composite agent_(Met) acts wrongfully (or fails to act rightfully).

It may act wrongfully because some of its members do not fulfill their quasi-obligations (*e.g.*, corrupted judges are not doing their jobs so that the court system fails to check the abuse of power of the executive branch of the government through judicial review). Or it may act wrongfully because its members do fulfill their quasi-obligations (*e.g.*, members of Nazi Germany obeyed their government so that Nazi Germany could successfully murder millions of people). Moreover, members may act (or fail to act) wrongfully with the full knowledge of what they are doing, or they may act (or fail to act) wrongfully out of negligence. Each scenario requires its own analysis.

A citizen participates in the collective wrongdoing of her polity when she complies with its laws, or exercises her legal rights, in ways that help realize the collective wrongdoing.⁷⁶ So for example, a citizen may participate in the collective wrongdoing perpetrated by her polity by paying tax if the tax revenue funds a genocide. Or a citizen may participate in the collective wrongdoing perpetrated by her polity by voting for someone who eventually takes office and uses her power to start a genocide.⁷⁷ In order to avoid participating in the collective wrongdoing perpetrated by the polity, one has to at least exercise one's legal rights in ways that help prevent or stop the collective wrongdoing, or even refuse to comply with certain laws.⁷⁸ With this working definition of participating in the collective wrongdoing of one's polity, we may ask: is there a moral obligation to avoid participating in the collective wrongdoing of the polity?

According to many normative theories, it is morally wrong to participate in collective wrongdoing in this sense, even when individual participation or abstinence has little or no

⁷⁶ When a citizen exercises her legal rights, it affects what others need to do in order to fulfill their legal obligations, which in turn affects how the polity acts.

⁷⁷ Notice that under this definition of participation, a person who breaks the law does not participate in the collective wrongdoing of the polity. For example, the elected official who starts a genocide by abusing her power (*i.e.* breaking some law) does not participate in collective wrongdoing by abusing her power. Her action does not constitute the participation of collective wrongdoing, although it is still wrong for a different reason (*e.g.*, using the polity as an instrument to cause great harm to others).

⁷⁸ To recall the analogy of driving: in order to fulfill the obligation to avoid hitting someone with a car, the driver needs to behave in ways that would prevent the car from running someone over. There may be questions about whether stopping the collective wrongdoing is sufficient for avoiding participating in collective wrongdoing (because one is already in the middle of it). But it seems that trying to stop the wrongdoing is at least necessary, because it can prevent further wrongdoing.

impact on the outcome.⁷⁹ However, this claim seems less obvious from the consequentialist perspective. While I do not endorse consequentialism, I want to show that a consequentialist should also accept my argument. In what follows, I will explain why both high-impact participation and low-impact participation are wrong (namely, no meaningful distinction can be drawn), and why a consequentialist should expand her focus on consequence from the consequence of individual actions to include the consequence of collective actions.

High-Impact Participation and Isaacs's Account

Members of a composite agent_(Met) do not commit the wrongful act done by the a composite agent_(Met). The relation between actions of the former and actions of the latter is either causal or constitutive. A member's obligation to do or refrain from doing something with respect to the wrongful acts done by the composite agent_(Met) depends on her causal/constitutive relation with the wrongful acts done by the a composite agent_(Met) as well as her attitudes towards the wrongful acts.

Tracy Isaacs argues that members of an organization (a composite agent_(Met) on my account) who are in positions of authority are morally *responsible* for actions of the organization, even though actions of the organization are not identical to actions of the executives. By contrast, the "rank and file" of the organization is not responsible for the actions of the organization *per se*, but they can be *blameworthy* for contributing to its wrongful actions. The distinction between those who are in position of authority and the rank and file is that, the former influences the outcome through participating in the decision-making of the organization, while the latter influences the outcome through other means (*e.g.*, the implementation of the decision). Isaacs's reasoning is that, although the executives of an organization often do not have complete control over the intention or action of the organization due to factors such as procedural constraints, their decisions have a much greater impact on what the organization would do; decisions of other

⁷⁹ For example, this is wrong according to Kantian ethics, because a maxim that tells one to participate in collective wrongdoing is not universalizable. Or one may say it is wrong because it violates a person's integrity.

members have negligible effect on this matter. Therefore, the executives have a heightened responsibility compared to other members. However, other members are blameworthy *if they know* that the organization is doing something wrong and they fail to do what they can to stop it. In other words, the rank and file members who could have a high impact on the outcome would be blameworthy for not making such an impact, *e.g.*, whistleblowing (Isaacs 97–129).

If the executives are responsible for the wrong done by the organization, it follows that they have an obligation to avoid decisions that would lead the organization to do something wrong. If other members are blameworthy for being part of the wrong done by the organization, it follows that they have an obligation to avoid contributing to its wrongdoing. The obligation of the executives or the rank and file is defeated if it is impossible to do anything to avoid participating in the collective wrongdoing, or if the obligation is outweighed by other obligations. The obligation to avoid participating in collective wrongdoing may require one to actively do something or defy one's quasi-obligation, or both in the same time. For example, Isaacs thinks that whistleblowing is obligatory rather than supererogatory (Isaacs 136–137).

I agree with Isaacs on what is said above, but I regard her account as inadequate because of how it handles low-impact participation and culpable ignorance. Consider the following test case: who were responsible or blameworthy for the Jim Crow laws? Powerful politicians in the South who supported these laws (namely, the white conservative Democrats) directly participated in the creation of these laws. It seems that they were responsible in a way that executives of an organization are responsible for the wrong done by the organization. How about the southern voters? On the one hand, these politicians would not have the political power to pursue the Jim Crow laws without the support of their electorates. On the other hand, each individual voter seemed to have negligible effect on the enactment and enforcement of the Jim Crow laws because the electoral support for these politicians was overwhelming among the eligible voters. Moreover, a voter might support these politicians for reasons other than the Jim Crow laws or racism (*e.g.*, state right). Finally, there could also be eligible voters who did not bother to vote because they did not care or know enough about politics.

According to Isaacs's account of organizational action, none of the eligible voters were blameworthy for contributing to the collective wrongdoing perpetrated by the southern states through the enactment and enforcement of the Jim Crow laws. First, none of them could have changed the outcome because individual impact is negligible. Second, for those who did not care about the Jim Crow laws, they might not even know their votes (or the absence of their votes) would contribute to the enactment of the Jim Crow laws.

I think this conclusion is wrong. If one cannot blame the voters for the reason stated above, one should not hold the politicians (or at least some of them) responsible either. The politicians could not have won enough electoral support if they did not support the Jim Crow laws. If a politician did not support the Jim Crow laws, someone else who supported the Jim Crow laws would have been elected. Then, it seems that an individual politician could not have made a difference in the political outcome either. But surely one should not conclude that no one could be blamed for the Jim Crow laws.

Isaacs also has an account of goal-oriented collective, but this account is not applicable to the present case. A goal-oriented collective is a composite agent with the collective intention to achieve a common goal shared by all its members.⁸⁰ Members of this collective are responsible for the collective wrongdoing perpetrated by the composite agent if they share an immoral goal. For example, participants in the Rwanda Genocide constituted a composite agent that massacred hundreds of thousands of Tutsi people and each participant shared the goal of massacring the Tutsi people. All participants were culpable because they acted on the immoral goal (whereas members of an organization may not share the goal the organization or other member has).⁸¹ One may think that the southern voters and the politicians who supported the Jim Crow laws were morally culpable for the enactment and enforcement of the laws because they shared the immoral goal of oppressing African Americans. But this cannot be the full picture because individuals who contributed to the enactment and enforcement of the Jim Crow laws

⁸⁰ Isaacs's goal-oriented collectives is a subset of composite agent_(Norm); cf. Chapter 2.

⁸¹ Cf. Isaacs 32–50 and 120–127.

need not share the goal of oppressing African Americans. For example, we could imagine that a politician voted for the Jim Crow laws in the legislature just for the sake of keeping his job, or a voter voted for a politician who supported the Jim Crow laws because the politician supported economic policies that would benefit the voter's business.⁸² However, it seems that they were blameworthy for contributing to the enactment and enforcement of the Jim Crow laws, even though the oppression of African American was not their goal (it was a byproduct). In other words, this account cannot account for the wrongfulness of contributing to institutional wrongdoing as such.

Isaacs also argues that participating in wrongful social practice can be wrong, despite the lack of an identifiable composite agent (156–176). For example, it is wrong to participate in the sexist culture by using sexist language, even though a culture is not a composite agent on her account. Similarly, Isaacs could say that southern voters and politicians were wrong for participating in a racist and oppressive political culture regardless of their motives. However, I think Isaacs's argument about wrongful social practice implicitly appeals to a counterintuitive concept, namely, the concept of imperceptible harm. I shall return to this point after I introduce Derek Parfit's view on moral mathematics and his discussion of this concept in the next section.

I think a correct account for the case of the Jim Crow law should recognize that it is morally wrong to participate in collective wrongdoing even if one's participation would have little impact on the outcome or have little chance to make a significant impact. I will draw on Derek Parfit's discussion about moral mathematics to support this claim. I will discuss the issue of culpability (*e.g.*, whether the voters who were ignorant about the Jim Crow laws or their wrongfulness were blameworthy for participating in a political institution that enacted and enforced these laws) in Section 4.

⁸² For example, J. William Fulbright, the namesake of the Fulbright Program, was a Southern Democrat and a Senator from Arkansas. Despite his track record in supporting a progressive political agenda (*e.g.*, he opposed McCarthyism and the Vietnam War), he joined other Southern Democrats in opposing the Civil Right Acts of 1957 and 1964. Back in the day racism was popular in Arkansas (while McCarthyism was not). Fulbright could have lost his seat if he supported the Civil Right Acts or showed support to the Civil Right Movement.

Low-Impact Participation and Parfit's Account

It seems that from the consequentialist perspective, there is nothing wrong about participating in collective wrongdoing if individual participation has a low impact to the outcome. One's participation has low impact if its impact on the outcome is negligible (what Parfit calls "small or imperceptible harm or benefit"), its chance of changing the outcome significantly is very low, or it would not affect the outcome at all because of overdetermination. This is often the case when the number of participants is huge.

However, according to Parfit, it is incorrect to think that individuals participating in collective wrongdoing share their responsibility for the outcome by dividing it up equally. It is not that if a group of a ten people together burn down a forest with a hundred trees, each of them is responsible for killing ten trees. Rather, when considering individual responsibility in relation to the outcome, the outcome has to be considered as a whole. If it is wrong to participate in the collective burning down of the forest, it is not because it is wrong to destroy ten trees, but that it is wrong to destroy a hundred trees.

Parfit thinks that when a consequentialist tries to decide whether a course of action is wrong, she should compare the *overall* outcomes of different alternatives. Parfit uses two cases to illustrate the point:

The First Rescue Mission. I know all the following: A hundred miners are trapped in a shaft with flood-waters rising. These men can be brought to the surface in a lift raised by weights on long levers. If I and three other people go to stand on some platform, this would provide just enough weight to raise the lift, and would save the lives of these hundred men. If I do not join this rescue mission, I could go elsewhere and save, single-handedly, the lives of ten other people. There is a fifth potential rescuer. If I go elsewhere, this person will join the other three and these four will save the hundred miners.

The Second Rescue Mission. As before, the lives of a hundred people are in danger. These people can be saved if I and three other people join in a rescue mission. We four are the only people who could join this mission. If any of us fails to join, all of the hundred people will die. If I fail to join, I could go elsewhere and save, single-handedly, fifty other lives. (Parfit 67–68)

According to the faulty moral reasoning mentioned earlier, the number of lives “I” can save in a joint rescue mission is the total number of lives saved divided by the number of rescuers in the mission. “I” could personally save more lives by joining the mission in the first case and going elsewhere in the second case, but our intuition suggests that “I” should go elsewhere in the first case and join the mission in the second case. What explains the difference is the fact that if “I” goes elsewhere in the first case and join the mission in the second case, the number of lives saved everywhere would be maximized. The individual share of lives saved in a joint mission is irrelevant.

What does this say about low-impact participation? Parfit considers three kinds of case:

Small or imperceptible effect. Parfit believes that it is incorrect to ignore small or imperceptible effect on a large number of people when considering the wrongfulness of the action that produces the effect. Small effect and imperceptible effect are different. A very small dose of lead has a very small harmful effect on a person, but it is not imperceptible. An act has an imperceptible effect if and only if a token of this act benefits or harms someone in an unnoticeable way (for Parfit that means an imperceptible change in pleasure or pain, broadly construed); the effect of the act becomes perceptible when the same act is repeated many times by one or multiple agents. As Parfit himself acknowledges, the concept of an imperceptible pain or pleasure is counterintuitive for many people, although he thinks there are good reasons to accept this concept in order to avoid other metaphysically absurd claims.⁸³ But he gives his argument both with and without the presupposition of this concept. The argument against ignoring imperceptible effect is essentially the same as the argument against ignoring small effect, except that there is no metaphysical worry about the existence of small effect.

He considers the following cases:

The Bad Old Days. A thousand torturers have a thousand victims. At the start of each day, each of the victims is already feeling mild pain. Each of the

⁸³ Parfit discusses those reasons briefly on 78–82.

torturers turns a switch a thousand times on some instrument. Each turning of a switch affects some victim's pain in a way that is imperceptible. But, after each torturer has turned his switch a thousand times, he has inflicted severe pain on his victim.

The Harmless Torturers. In the *Bad Old Days*, each torturer inflicted severe pain on one victim. Things have now changed. Each of the thousand torturers presses a button, thereby turning the switch once on each of the thousand instruments. The victims suffer the same severe pain. But none of the torturers makes any victim's pain perceptibly worse.

The Single Torturer. One morning, only one of the torturers turns up for work. It happens to be true that, through natural causes, each of the victims is already suffering fairly severe pain. This pain is about as bad as it would be after the switches had been turned five hundred times. Knowing this fact, the Single Torturer presses the button that turns the switch once on all of the machines. The effect is the same as in the days when all the torturers act. More precisely, the effect is just like that when each switch is turned for the five hundred and first time. The Single Torturer knows that this is the effect. He knows that he is not making any victim's pain perceptibly worse. And he knows that he is not a member of a group who together do this. (Parfit 80–81)

Parfit thinks that each torturer in the *Bad Old Days* and the *Harmless Torturers* have done something wrong to the victims, although there may be some dispute about why it is so. In the *Bad Old Days*, it is clearly wrong for each torturer to flick the switch a thousand times to inflict the perceptible pain on the victims. In *Harmless Torturers*, the torturers together inflict perceptible pain on the victims. Given what is said earlier about the individual share of responsibility in collective wrongdoing, one should conclude that each torturer is wrong for being one of the torturers because *together* they inflict perceptible pain on the victims. However, some may reach this conclusion without believing that flicking the switch *once* is wrong, because they reject the concept of imperceptible effect. For these people, flicking the switch once is inconsequential when it is considered in isolation. Therefore, they would also think that the *Single Torturer* has done nothing wrong. He did

not inflict any pain on the victims (because there is no such thing as imperceptible pain), nor is he part of a group that inflicts perceptible pain on the victims.

Now, we can return to Isaacs's account about wrongful social practice. Isaacs thinks that one can be held responsible for participating in wrongful social practice without being identified as a member of any composite agent. In this kind of case, the wrong is supposed to consist in conforming to "unjust patterns of social practice" (Isaacs 158). However, I think Isaacs is implicitly appealing to the concept of imperceptible effect. A sexist culture is an unjust pattern of social practice because it, the whole practice, unjustifiably harms members of a particular gender. However, the harm of an isolated instance of sexist practice, like making a misogynous joke to a group of boys once, can be imperceptible. There are two possibilities: either the harm does not exist, or the harm is imperceptible. But surely Isaacs would want to say that telling a sexist joke at a bar with a bunch of male friends *once* is wrong, and the wrong is partly explained by the perceptible harm caused by the whole pattern of practice (*e.g.*, if this joke-telling practice is done repeatedly, it can reinforce certain cultural prejudices against members of a particular gender). The perceptible harm caused by the pattern of practice explains the wrongfulness of an instance of the practice in either one of the following ways: the sexist joker is a member of the sexist composite agent that inflicts perceptible harm on members of a particular gender, or the sexist joker inflicts imperceptible harm on members of a particular gender. Since Isaacs rejects the former, she has to be committed to the latter.⁸⁴ But the concept of imperceptible effect is controversial.

Therefore, I think it is preferable to identify the composite agent that inflicts perceptible harm on the victims whenever it is possible. In the case of political participation, the composite agent can be identified easily. This approach avoids the controversial metaphysical concept of imperceptible harm, and it provides a uniform account of participation in collective wrongdoing perpetrated by a polity. So instead of

⁸⁴ Isaacs could also reject consequentialism altogether, but that seems rather implausible. Many would think that oppressive social practice is morally wrong largely because of its consequence on the oppressed group. For example, racial segregation is morally wrong because it harmed members of a particular race, and this *consequence* was deemed unjust.

saying the southern voters and politicians inflicted imperceptible harm on the African Americans through participating in the enactment and enforcement of the Jim Crow laws, one can say that they participated in the collective inflicting of perceptible harm.

Small chance. Parfit also thinks that it is incorrect to ignore small chances to make a difference because the difference can be very big. When one considers alternative courses of action by weighing possible outcomes, one should consider both the probability of achieving a particular outcome and the importance of that outcome. For example, a nuclear engineer cannot ignore the one-in-a-million chance that a component in a nuclear reactor may fail and cause a catastrophe.

Parfit spends considerable space on discussing the voting paradox. It seems very unlikely that one out of a hundred million votes would make a difference in the electoral outcome, which may lead some people to conclude voting does not matter. But this is a mistake, according to Parfit, because the stakes of the electoral outcome may be high. Suppose there are two United States presidential candidates. One of them is a much better candidate than the other, and she would on average benefit the Americans if she becomes the President of the United States. Because the stakes are high, one should still vote, even though there is a very small chance that one's vote can make a difference.

Of course, one may interpret the voting paradox differently. Sometimes one can be very certain about the electoral outcome if one lives in a "deep red" or "deep blue" state. For example, if one lives in Texas, most of the time one can be very certain that the Republican presidential candidate will win in Texas; and when it is not certain (because, say, the Republicans have a very weak candidate), one can be very certain that the Republican presidential candidate will lose nationwide.⁸⁵ The chance that one's vote can make a difference is so low that it is practically zero. Coupled with this is the belief that the two presidential hopefuls may not be that different from one another—the difference is so small that it does not warrant the trouble of going to the voting booth. If one comes

⁸⁵ The last Democratic presidential win in Texas was 1976 (Jimmy Carter). The last time a Democrat won a statewide election was 1994.

to such conclusion after investing considerable time to educate oneself about politics and research on the candidates, one may be justified for not going to the voting booth.⁸⁶

Overdetermination. Parfit argues that it is incorrect to ignore small/imperceptible effect or small chance. But what if the outcome of the collective wrongdoing is overdetermined, *i.e.* there is no room for small/imperceptible effect or small chance? That is, one's participation would make no difference to the outcome because other people would be producing the same effect regardless of the participation. For example, in *The First Rescue Mission*, having a fifth person standing on the platform would not change the outcome because four people on the platform would provide enough weight to raise the lift. Parfit does not say whether there is any obligation to refrain from participating in collective wrongdoing when the outcome is overdetermined. But he does say that one has no moral reason for participating in the collective benefiting of someone when the outcome is overdetermined and *one knows that* the outcome is overdetermined. There may be an asymmetry between refraining from participating in collective wrongdoing and participating in collective benefiting, but the asymmetry cannot be explained in consequentialist terms. One may either conclude that participation in the overdetermined case is not wrong, or it is wrong for an inconsequentialist reason (*i.e.* consequentialism is incorrect or inadequate).

Without adjudicating which conclusion is correct (because even though I am not a consequentialist, I am selling my argument to the consequentialist!), I will say the following. In the case of voting, if one is absolutely certain that one's vote would not make a difference in the electoral outcome, it seems that one has no all-things-considered obligation to cast (or not cast) one's vote. It may be because the voting question becomes morally irrelevant from the consequentialist perspective, or because the inconsequentialist moral reason for casting (or not casting) the vote is so weak that it can be easily defeated

⁸⁶ But if one comes to this conclusion without educating oneself about politics and researching on the candidates, one may be guilty of epistemic negligence and culpable ignorance, an issue that I will discuss in Section 4.

in almost all circumstances (after all, voting is not costless). There may be no pre-theoretic intuition about whether there is any *defeasible* obligation to cast or not cast the vote.

However, unlike voting, in the case of participating in democratic deliberation, one can never be certain that one's participation has zero effect on the outcome. For example, suppose I weigh the pros and cons of the minimum wage law in terms of its effect on businesses and their employees. At the moment, I have not made any impact in the world—I am simply thinking. But it may have an effect later. When a bill is introduced in the state legislature to raise the minimum wage, I can, say, call my state representative to press her to support it. Or if I cannot make up my mind about whether I should support the minimum wage law, I can still explain what I think to my friends, which may help inform their political actions. In this example, my effort certainly has low impact, but it does not mean that I can simply neglect my defeasible obligation to put in the effort (that is, if I indeed have the defeasible obligation to avoid participating in the collective wrongdoing *by participating in democratic deliberation*).

Finally, I shall note that Frank Jackson rejects Parfit's intuition about the torturer cases as well as his treatment of the whole subject matter. Jackson thinks that no individual has done anything wrong in the *Harmless Torturers* case and the *Single Torturer* case, even though one's intuition may incline one to think otherwise. He also rejects the presupposition that "if a group act is wrong, surely at least one of its constituent acts is wrong" (101).

Jackson provides a sort of game-theoretic counterexample to the presupposition, and here is one of them:

The morning traffic example There is a steady stream of traffic going to work. Everyone is driving at 80 kilometers per hour. I would be safer if everyone was driving at 60. The right group action is for everyone together to drive at 60. But what about each person, should he or she drive at 60? The answer may well be no; for it may well be the case that if he or she were to drive at 60, everyone else would still drive at 80, and so a lot of dangerous overtaking would result. For each individual the right action is to keep driving at 80, so

avoid dangerously disrupting the traffic flow; yet the right group action is for everyone to drive at 60. (Jackson 102)

Setting aside whether (i) “everyone driving at 80” is a group action in a meaningful sense, I do not think that it is the *wrong* action. It is more dangerous (worse) than (ii) “everyone driving at 60,” and safer (better) than (iii) “one person is driving at 60 while everyone else is driving at 80.” And if a driver believes that other people are driving at 80 and she still drives at 60 (how can she not know?), she helps realize (iii) instead of (ii).

What if there is a prisoner’s dilemma sort of case, in which every participant acts on her most rational and reasonable judgment and together they realize the worst outcome? And further suppose that the choice situation is shaped by certain established social institution, so that one can say there is a composite agent_(Met) causing the worst outcome. Even so, it would not be a counterexample to the presupposition if the causing of the *worst* outcome is not *wrong*—it is simply unfortunate. Jackson has yet provided such an example.

From Avoiding Collective Wrongdoing to Participating in Democratic Deliberation

Let’s take stock. So far I have argued that a citizen has an obligation to avoid participating in the collective wrongdoing perpetrated by her polity. To recall, a citizen participates in the collective wrongdoing of her polity when she complies with its laws or exercises her legal rights in ways that help realize the collective wrongdoing. To avoid participating in the collective wrongdoing, one has to at least exercise one’s legal rights in ways that would help prevent or stop the collective wrongdoing, or even refuse to comply with certain laws. A citizen has the obligation even when the impact of her participation or abstinence is low.

In order to exercise one’s legal rights in ways that would help prevent or stop collective wrongdoing, one has to determine how the polity may unjustifiably harm someone’s well-being or impede someone’s self-determination, and what one can do about it as a citizen. In order to determine how the polity may unjustifiably harm someone’s well-being or impede someone’s self-determination, one has to determine how its laws may harm the well-being or impede the self-determination of certain people and whether these people can reasonably reject the principles that sanction the harm or

impediment. In the next section, I will use some examples to illustrate how that may work.

3.3 PARTICIPATING IN DEMOCRATIC DELIBERATION: A CASE STUDY

There are two main ways to participate in the collective wrongdoing of a polity: complying with its laws and exercising legal rights. An example of the former is paying tax: the government may use the tax revenue to fund policies or enforce laws that are unjustifiably detrimental to someone's well-being or self-determination. An example of the latter is voting (or abstaining from voting): elected officials use the power bestowed on them to pursue policies or enforce laws that are unjustifiably detrimental to someone's well-being or self-determination.

In what follows, I will discuss a case that involves participating in the collective wrongdoing of a polity in the aforementioned ways. I will use this case to explain why one needs to avoid participating in the collective wrongdoing by participating in democratic deliberation. I will also explain how the obligation to participate in democratic deliberation can be defeated by other obligations.

The Militarization of the Police

According to a *New York Times* report by Matt Apuzzo in June 2014, local police departments across the United States have been acquiring a large amount of military equipment, such as heavy armored vehicles, machine guns, camouflage uniforms, night-vision equipment, silencers, *etc.*, over the past two decades at little or no cost. Many of the items acquired obviously exceed the needs of a local police force (*e.g.*, why would a local police officer need a silencer? A police officer is not allowed to shoot anyone silently—not even a SWAT member.). According to Peter Kraska, the militarization of the police includes over-armed police officers and a boom of SWAT raids, from 3000 per year in the 1980s to 45000 per year in the 2000s (6).

What goes hand in hand with this trend is the excessive use of force by the police. According to a report by American Civil Liberties Union (ACLU), in only 7% of the time were SWAT teams used for their original purposes (hostage and barricade situations). In most cases, SWAT teams were used to search for a small amount of drugs, unnecessarily

endangered and injured bystanders and other innocent people.⁸⁷ According to Matt Apuzzo of the *New York Times*, SWAT teams were used for liquor inspection and crackdowns on illegal barbering. Another manifestation of the excessive use of force is the police crackdown on dissent, in which the police uses inappropriate equipment for crowd control. Examples include the Occupy Protest in Oakland, California in 2011 and the protest over police killing in Ferguson, Missouri in 2014. In the Oakland case, the Oakland police department used direct-fired SIM (specialty impact weapons, *e.g.*, bean bag rounds and rubber bullets) to disperse the crowd, which critically injured one of the protestors. The victim sued the Oakland police department and the City of Oakland settled the case with him by paying him \$4.5 million.⁸⁸ In the Ferguson case, the Ferguson police department used armored vehicles and heavily armed officers (with military outfit and assault rifles) to suppress peaceful protests,⁸⁹ which also escalated the situation into series of riots. The excessive use of force by the police is clearly detrimental to the well-being and self-determination of its direct victims and those who are indirectly threatened by it (*e.g.*, those who stay at home out of the fear for police violence).

The militarization of the police made the excessive use of force described above possible—for example, without the influx of equipment, the police simply could not conduct that many SWAT raids. While the psychological and financial incentives to abuse police power always exist, the militarization of the police makes the abuse more likely to happen and more damaging.⁹⁰ Moreover, although we should not let the criminals outgun the police, the militarization seems utterly unnecessary. Police officers in the United States are not battling Afghan insurgents or Mexican drug cartels. Therefore,

⁸⁷ For example, according to Alecia Phonesavanh's article on *Salon*, in a misinformed drug raid in Georgia, the SWAT team threw a flashbang grenade into a crib with her toddler sleeping inside, blowing a hole in his chest. The target of the raid did not even live in the house.

⁸⁸ For an overview of the case, see, for example, Amanda Holpuch's article on *the Guardian*.

⁸⁹ Here is a description of the scene circulating on social media from Jay Caspian Kang of the *New Yorker*: "policemen with dogs and AR-15 assault rifles standing in a Stygian, blue-lit cloud of tear gas; crowds of protesters with their hands in the air, screaming 'Hands up, don't shoot'; members of the press being removed from the scene..."

⁹⁰ It can also be argued that militarization itself creates a psychological incentive for abuse, because the rise of SWAT teams changed how police officers view themselves and their relation with the communities they serve. For simplicity, I will not pursue this line of argument.

at first glance, the militarization of the police seems unjustifiably detrimental to the well-being and self-determination of the victims of police brutality, because it seems that the victims can reasonably reject the considerations that favor the militarization of the police (more on this point later).

The militarization of the police is a wrongdoing perpetrated by the United States as a polity. For one thing, it is closely related to the decisions of elected officials. The militarization of the police was fueled by the National Defense Authorization Act in 1990 and the anti-terrorism funding after the 9/11 attacks. According to Emma Roller of *National Journal*, “Congress passed a National Defense Authorization Act with a clause allowing the ‘transfer of excess personal property’ from the Defense Department to local law enforcement—otherwise known as Section 1208. The clause was included in response to the surge of violent crime and the War on Drugs in the late 1980s.” Under this law, local law enforcement can acquire military surplus from the Department of Defense for free. Moreover, according Alec MacGillis of *The New Republic*, since the 9/11 attacks, the Department of Homeland Security has been providing generous funding to local law enforcement to “support terrorism preparedness.” Local law enforcement uses the money to acquire more military equipment, including a \$280,000 mine-resistant BearCat (armored vehicle) that patrolled a pumpkin festival in New Hampshire. It is worth noting that in 2014, a House Representative has tried to introduce an amendment to partially de-fund the military surplus transfer program sanctioned by Section 1208, but 355 of his colleagues in the House voted against the measure. Therefore, the militarization of police was heightened (and continuously supported) by federal legislation and funded by federal tax revenue.⁹¹ This shows that the militarization of the police is not merely a problem of accountability of bureaucrats. Much of it is also a consequence of the decisions made by elected officials.

⁹¹ I am focusing on the federal level, and so the polity that is said to be unjustifiably harming someone’s well-being or self-determination is the United States, but of course we can describe the issue on the state or local level as well, and in that case the polity that we are concerned with would be a state or a municipality.

A citizen of the United States would have participated in the militarization of the police (understood as a collective wrongdoing perpetrated by the United States) by, say, paying federal tax or voting for elected officials who supported the militarization of the police, if they have not acted in ways to avoid such participation. There are at least two ways to avoid participating in the militarization of the police. First, one may avoid paying federal tax (*i.e.* disobey the law). Second, one may try to influence the legislature by voting for political candidates who object the militarization of the police, pressuring one's senator or house representative to change the law, campaigning for a change of the law, *etc.*

If there is any defeasible obligation to avoid participating in the collective wrongdoing perpetrated by one's polity, a citizen would have a defeasible obligation to avoid participating in the militarization of the police. It follows from the consequent that a citizen would have a defeasible obligation to break the federal tax law or try to influence the legislature. Now, breaking the federal tax law may not be the best way to fulfill this obligation because that would undermine one's ability to fulfill other moral obligations. Just to name a few: the federal tax revenue is also used to fund other public services (*e.g.*, the Food and Drug Administration helps prevent massive food poisoning), without which one cannot, say, properly care for oneself or one's family; after breaking the law, one can be punished by the criminal justice system, which would also prevent one from caring for oneself or one's family; one ought not to undermine a political institution that is by and large protecting the rights and freedoms of most people; so on and so forth. It seems uncontroversial to say that one ought to maximally fulfill one's moral obligations, *i.e.* fulfill the most important bunch and fulfill as many of them as one can. Therefore, one should fulfill the disjunctive obligation to break the federal tax law or try to influence the legislature in ways that would not hinder one's ability to fulfill other obligations. Although there would be times in which civil disobedience or even revolution is called for, under

normal circumstances, one should fulfill the obligation by trying to influence the legislature.⁹²

If one wants to avoid participating in collective wrongdoing perpetrated by the polity by trying to influence legislation or policy, one would need to determine how the polity has unjustifiably harmed someone's well-being or impeded someone's self-determination through its laws or policies.⁹³ One would need to determine how the laws affect people of different sociological or economical backgrounds, what considerations different people may have for rejecting the laws, and what considerations prevail. Moreover, to reiterate a point I made earlier when I discussed Scanlon, when one tries to determine whether certain considerations prevail, one need not consider whether the individuals affected by the laws are parties of social cooperation.

To illustrate how this may work, consider the following (admittedly an overly simplified description of how it should work). The militarization of the police harms victims of police brutality. The victims clearly have a reason to object the militarization of the police: it is extremely detrimental to both their well-being and self-determination. But their objection is reasonable if, and only if, the harm is unjustifiable. Their objection would not be reasonable if, for example, the harm is fairly distributed to them.⁹⁴ Now, let's consider what the supporters of the militarization of the police may say to justify their position. First, suppliers of the military equipment and police administrators have a reason to support the militarization of the police—they benefit from it. The suppliers are making more money, and the police administrators are gaining more power. However, they clearly cannot justify their position to the victims of police brutality with this self-serving reason (whereas the latter can justify their position to the former—that the former

⁹² The two disjuncts in the disjunctive obligation is not mutual exclusive. The purpose of civil disobedience is to influence political outcomes (*e.g.*, the overturning of a bad law) by breaking some law.

⁹³ In fact, one would need to determine how the polity has unjustifiably harmed someone's well-being or self-determination through its laws or policies before starting a revolution as well, but because revolution is not a means to influence the outcome of a political process (it is a means to reestablish a new political process), I will leave it aside.

⁹⁴ For example, when the state drafts someone and sends her into war, it is severely harming that person. However, this can be a fairly distributed harm if the draft is for a greater good (*e.g.*, a genuine need in national security) and the draft is executed in a fair manner (*e.g.*, the state does not just draft poor citizens).

cannot profit from the suffering of the latter). Second, some may support the militarization of the police because they believe it makes the community a little bit safer in general. Whether their support (*i.e.* an objection to their opponent's position) is reasonable depends on whether the tradeoff between security of the community and the potential suffering of the victims is reasonable. Given the fact that the increase in the security of the community is negligible, it is unreasonable to put the potential victims of police brutality under a huge risk of police violence—the tradeoff is not reasonable. At this point of the discussion, it seems that the militarization of the police is unjustifiably detrimental to the well-being and self-determination of the victims of police brutality, while the harm to well-being suffered by those who can profit from the militarization of the police is justifiable.

A few words about why the tradeoff is not reasonable in the case I just described. In saying that the tradeoff is not reasonable, one is appealing to the idea that everyone's life is more or less equally valuable. If anyone wants to maintain that the tradeoff is reasonable, she has to explain why the victims' lives value less than the lives of those who enjoy a negligible increase of security—much less, because the gain from sacrificing them is so little. She cannot reasonably expect the victims to be convinced. It seems that the victims would also be unreasonable if they are convinced by such a reason. Even though extreme forms of altruism and self-sacrifice can be reasonable, it is not because the altruistic person is much less valuable than others.⁹⁵

The deliberation described above illustrates how democratic deliberation on the issue of the militarization of the police may proceed. What I have shown is just one possible way the deliberation may unfold and it does not have to end at where I end it. Perhaps I have missed some important considerations that favor the militarization of the police. My point is simply to show that anyone who wants to avoid participating in the collective

⁹⁵ Perhaps what is operative in the background here is equality, but I take it that there is no need to clarify what exactly the principle or requirement of equality is (*e.g.*, equality of what?) in order to see why one would be unreasonable to do what is described in this case.

wrongdoing perpetrated by her polity by trying to influence legislation and policies needs to engage in this sort of deliberation. It is a necessary condition.

Defeated Obligations

The obligation to participate in democratic deliberation is limited in scope for the following reason. The sort of reasoning described in the case study above is also applicable in many other political issues that involve unjustifiably detrimental laws and policies, ranging from mass incarceration to the massive budget cut to the funding for medical research. This immediately raises a problem. It is impossible to keep up with all the political problems in one's polity. How can one be obligated to participate in the democratic deliberation on all of them (which implies knowing all of them)? Surely one cannot, and therefore the scope of one's obligation to participate in democratic deliberation has to be limited. There are several factors to consider.

I will first illustrate the point on an abstract level. Let's label all the political issues that involve unjustifiably detrimental laws and policies one by one, from P_1 to P_n . Suppose there is a defeasible obligation to participate in the democratic deliberation on P_1 , P_2 ... and P_n . It entails that there are defeasible obligations to participate in the democratic deliberation on all the subset of $\{P_1, P_2... P_n\}$.⁹⁶ The obligation to participate in the democratic deliberation on the whole set is defeated in all circumstances because no one is capable of doing so. The obligations to participate in the democratic deliberation on some of the subsets are also defeated for a similar reason. However, for most individual citizens, there would be some manageable subsets, both in terms of intellectual capacity and the resources one can appropriate for the deliberation. In that case, the obligations to participate in the democratic deliberation of those subsets are not defeated.

Now, suppose Amy only has enough resources to participate in the democratic deliberation on two issues. She has the defeasible obligations to participate in the democratic deliberation on P_1 and P_2 , P_1 and P_3 , and P_2 and P_3 (and the obligation to deliberate on the subsets of each of these sets of issues). Further suppose that Amy decides

⁹⁶ By introducing the symbolism I do not mean to suggest that political issues can individuate in any definite and precise manner. I just mean to use it as a convenient heuristic.

to participate in the democratic deliberation on P_1 and P_2 . That leaves her no resources to participate in the democratic deliberation on other issues. Then, her obligations to deliberate on issues other than P_1 and P_2 are defeated. Before she commits to any of the subsets, she has a defeasible obligation to participate in the democratic deliberation of each of them; it is only after she is committed to one subset that her obligations to deliberate on issues outside of the committed subset are defeated.

It is possible that all the obligations to participate in democratic deliberation are defeated by the moral obligations that have nothing to do with democratic deliberation. A single working parent may get too busy for fulfilling her obligation to care for her children that her obligation to participate in the democratic deliberation on any issue is defeated. What seems implausible is that a substantial portion of the citizens have their obligations to participate in democratic deliberation defeated for most of their lives.

It is also possible that the choice between which obligation(s) to fulfill or, more generally, which values to pursue, is a hard one. Again, consider an oversimplified example: should someone devote a particular block of time and resources to participate in the democratic deliberation on the legalization of marijuana (which is a very complex issue with implications for both domestic and foreign policies, like the war on drugs in South America), or split it between the democratic deliberation on whether the city should build a new light rail, more homeless shelters, *etc.*? Or should someone create a piece of extraordinary artwork, something of high aesthetic value, instead of fulfilling any of her moral obligation to participate in politics? These choices may be incomparable or “on a par” (*cf.* Chang, “The Possibility of Parity”), and what it takes to determine what to choose would be beyond what morality dictates. However, one should not take this as a concession to the libertarian view that political participation is merely one of the many activities or even hobbies that a citizen may pursue, just as a citizen can choose to become a chef, a fashion expert, a volunteer at a local animal shelter... or a beach bum (surely a person can value being a beach bum as such—cannot rule that out without an argument!). First, the value of political participation is a moral one (while the value of, say, pursuing cooking as a hobby or a career in fine dining is probably non-moral). Second, the value of political participation is a moral value of a specific sort. It is, for example, a negative

obligation to avoid participating in collective wrongdoing instead of a positive obligation to be a good Samaritan. Therefore, the choice between whether to participate in politics or to take a cooking class in a community college after work is different from the choice between whether to take a cooking class or to practice drumming at home after work.

Deference and Intellectual Division of Labor

Political issues are complicated and an intellectual division of labor is needed. For example, in order to fully understand the problems associated with the militarization of the police, one needs some in-depth knowledge in politics, political economy, sociology, *etc.* Everyone, including experts in one field, would need to rely on expert testimony on things outside of her own expertise to a certain extent. In that case, one defers to someone else's judgments on certain aspects of the issue.

There may be people who need to defer to someone else's judgment on the entire issue (*e.g.*, whether the militarization of the police is a collective wrong and what has to be done about it) because they cannot make up their own mind on the issue. It may be because they believe they do not know enough to make a good judgment about it, or because they believe that it is a genuinely hard choice and they cannot come down to a decision one way or another. They have fulfilled their obligation to participate in the democratic deliberation on the issue as long as their deference is reasoned. That is, they have thought about the issue and they have reasons for believing that the person they defer to is in a better position to make the judgment. Turning a blind eye to the issue with the hope that someone else would volunteer and make a judgment for them does not constitute participation.⁹⁷

Citizens can participate in democratic deliberation in any form of democratic political institution. In particular, citizens can participate in democratic deliberation even when they do not make laws directly. There are two ways to conceive of the role of a representative in a representative democracy. On one view, representatives are thought of

⁹⁷ How about someone who defer to the judgment of the wrong person for the wrong reason? Depending on the detail of this person's circumstance, she may or may not have fulfilled her obligation to participate in democratic deliberation. I will revisit this point in the next section.

as delegates: they speak for their constituents and they are supposed to have no voice of their own. On another view, representatives are thought of as trustees: their constituents entrust them the power to make political decisions for the constituents. The representatives deliberate on behalf of their constituents instead of being their mouthpieces. On the model of delegation, it is easy to see how the constituents may participate in democratic deliberation through their representatives: they participate through a proxy who expresses their preferences and reasoning for them. On the model of trustee, the constituents defer to the judgments of the trustees. They have participated in democratic deliberation if and only if their deference is reasoned in the way described above. In reality, we often have a mix of both models: the constituents expect their representatives to pursue certain general policy goals the former prefers (*e.g.*, more gun control, more restriction on abortion...), but the former may defer to the latter on the details about how these goals should be pursued or how to prioritize the goals. In either case, citizens can influence actions of the representatives through voting, campaigning (*e.g.*, writing a letter to a senator), expressing political opinions in public media... or through some other indirect routes, *e.g.*, informing other citizens about certain political issues or persuading other citizens to take certain political actions.

3.4 CULPABLE IGNORANCE AND EPISTEMIC NEGLIGENCE

The aim of the argument presented in the previous sections is to show that there is a defeasible obligation to participate in democratic deliberation and for most people, the obligation is undefeated (although the scope of its requirement varies with individual circumstances). However, the argument would be rather pointless if it turns out that citizens are almost always excused for fulfilling this obligation even when it is undefeated.

One may think that although citizens are obligated to avoid participating in the collective wrongdoing perpetrated by the polity, they may be ignorant about the wrongdoing itself or the relation between their individual actions and the collective wrongdoing. Therefore, one may argue, most citizens can be excused for their lack of participation in democratic deliberation because they can be excused for their

participation in the collective wrongdoing perpetrated by the polity. Acting from ignorance is culpable only if the ignorance is culpable.

In what follows, I will draw on the debate between Michael Zimmerman, Gideon Rosen and Alex Guerrero on culpable ignorance to show that (i) ignorance in the collective wrongdoing perpetrated by one's polity is often culpable and (ii) even if one's ignorance is inculpable, their participation in the collective wrongdoing may still be culpable. I will first present Zimmerman and Rosen's views, and then Guerrero's refutation.

The Debate between Zimmerman, Rosen and Guerrero

Zimmerman and Rosen hold that if an agent acts from ignorance, she is culpable only if the ignorance is culpable. Zimmerman further argues that ignorance is often inculpable because one has no control over whether to be ignorant or not. One cannot be in control over whether one is ignorant about a certain thing—to be in control, one needs to know about that thing. If the ignorance itself were culpable even when one is not in control, it must be because the cause of ignorance is culpable—“carelessness and inconsiderateness” (Zimmerman 416), or “inattentiveness” (Zimmerman 417). However, one has no control over these things either. First, “[c]arelessness and inconsiderateness typically involve a failure to believe (at the time) that one is being careless or inconsiderate” (Zimmerman 416). Second, failing to pay attention to something is itself a form of ignorance (Zimmerman 417). Therefore, more often than not, ignorance is not culpable.

However, one might object that carelessness and inconsiderateness typically involve a failure to believe that one is being careless or inconsiderate. Rather, one might think carelessness and inconsiderateness typically involve a failure to believe that being careless or inconsiderate in certain circumstances is morally wrong. Isn't the latter culpable? Gideon Rosen argues that it is not.

Rosen argues, independently of Zimmerman's account, that ignorance in moral facts, *i.e.* ignorance “about the reason giving force of moral consideration” (Rosen 75), is also inculpable. On Rosen's view, if an agent acts from ignorance in moral facts, she is

culpable only if the ignorance is culpable; “[i]t is unreasonable to expect people not to do what they blamelessly believe they are entitled to do” (Rosen 74). As for blameless believing, Rosen thinks that “[i]t is reasonable to expect a person to meet his epistemic obligations in coming to a view about what to do (provided he knows what they are and has the capacity to meet them),” and “it is reasonable to expect a person to do his best to act in light of his considered view about what he has most reason to do” (Rosen 79). If a person has met these expectations and still believes in falsehood, she should not be blamed for that.

Rosen discusses the case of *Ancient Slavery* at length and relies heavily on it to support his view:

In the ancient Near East in the Biblical period the legitimacy of chattel slavery was simply taken for granted. No one denied that it was bad to be a slave, just as it is bad to be sick or deformed. The evidence suggests, however, that until quite late in antiquity it never occurred to anyone to object to slavery on grounds of moral or religious principle. So consider an ordinary Hittite lord. He buys and sells human beings, forces labour without compensation, and separates families to suit his purposes. Needless to say, what he does is wrong. The landlord is not entitled to do these things. But of course he thinks he is. Moreover, we may imagine that if he had thought otherwise, he would have act differently. In that case he acts from moral ignorance.⁹⁸ (Rosen 64–65)

In this case the Hittite slaveholder is said to be inculpable of his moral ignorance, regardless of whether he reflects on the morality of slavery or not. If he does not reflect, “[t]he institution of chattel slavery was *simply taken for granted*,” and “one is normally under no obligation to rethink the uncontroversial normative principles that form the framework for social life” (Rosen 65). If he does reflect and come to the false conclusion that slavery is morally permissible, “his failure to discover them need not signal

⁹⁸ This case is also discussed by Michael Slote. Slote claims that ancient Greek slaveholders were “unable to see what virtue required in regard to slavery” (72).

recklessness or negligence on his part” because the moral arguments against slavery are obscure to him (Rosen 66). Rosen thinks that this case is akin to a case of American sexist in the 1950s (Rosen 66–67).⁹⁹

Guerrero’s refutation of Zimmerman and Rosen’s views has two main parts. First, Guerrero argues that whether ignorance is culpable depends on the moral significance of the consequence of acting from that ignorance (“moral epistemic contextualism”). Second, Guerrero argues that acting from ignorance can be culpable even if the ignorance itself is inculpable.

Moral epistemic contextualism is the view that “[h]ow much one is morally required to do from an epistemic point of view with regard to investigating some proposition *p* varies depending on the moral context—on what actions one’s belief in *p* (or absence of belief in *p*) will license or be used to justify, morally, in some particular context” (Guerrero 69). For example, one’s *moral* obligation to avoid believing in falsehood depends on the moral consequence of acting on that belief. The higher the stakes, the more demanding the moral obligation would be, and the agent would be expected to do more to avoid believing in falsehood. To motivate the view, consider the following pair of examples (modified from Guerrero’s):

- a. Amy is a salesperson of Herbalife and she comes across a house that looks empty. She knocks on the door, yells, “is anyone home” several times, and gets no response. She believes the house is empty, and she moves on to another house.
- b. Billy gets a job from his client to demolish a house and the house looks empty. He knocks on the door, yells, “is anyone home” several times

⁹⁹ For a case like this, Cheshire Calhoun would argue that even if the Hittite slaveholder’s ignorance is excusable, his action is not and he should be reproached for it. This is because the moral ignorance about slavery was widespread in the Hittite society and the lack of reproach would be “interpreted as sanctioning” (Calhoun 401). The same reasoning applies in the case of sexism (the subject of Calhoun’s article) as well. Rosen does not mention or consider Calhoun’s view at all, but his response would probably be that “it is unreasonable to subject people to sanctions when it would be unreasonable to expect them to have acted differently” (Rosen 75).

and gets no response. He believes that the house is empty, and he proceeds to demolish the house.

Amy and Billy are in the same epistemic situation with regard to their beliefs, in the sense that they have the same evidence available to them and they have done the same thing to gather the evidence. However, it seems that Billy should have done more to make sure that the house is empty because if it turns out that his belief is false, he would kill someone. When he does not do enough in this sense, he has failed to fulfill a *moral* obligation and he is culpable for that.¹⁰⁰ If he did kill someone out of ignorance, he would be culpable for the killing as well.

On Guerrero's view, it is not obvious that the Hittite slaveholder is inculpable of his moral ignorance. Because the stakes are so high (the severe suffering of numerous slaves), one cannot conclude that the Hittite slaveholder is inculpable of his ignorance about the morality of slavery simply because it would be too hard for him to know the truth. If, for example, the slaveholder has not done enough to consider whether it is morally wrong to enslave a human being in the sense that Billy has not done enough to find out whether there is anyone in the house, the slaveholder is culpable for his ignorance.

Moreover, as Guerrero points out, it is not *that* hard for the Hittite slaveholder to realize that slavery is morally wrong, as Rosen makes it out to be. It is very plausible that the Hittite slaveholder remains in ignorance by choice. Michelle Moody-Adams has discussed this at length.¹⁰¹

Moody-Adams disputes the empirical status of the so-called "inability thesis," which is "the claim that sometimes one's upbringing in a culture simply renders one unable to know that certain actions are wrong" (293). A culture is defined as "the way of life of a given social group, that will be shaped by more or less intricate patterns of normative expectations about emotion, thought, and action" (Moody-Adams 295). In the case of

¹⁰⁰ One should not confuse Guerrero's view with the sort of view presented by Jason Stanley in *Knowledge and Practical Interests*, in which Stanley argues that whether one knows something depends on one's practical interest. On Guerrero's view, the issue is not whether the agent knows or is justified in believing in something, but whether the agent has done enough (*i.e.* actions of some sort) to determine whether her belief is justified.

¹⁰¹ Rosen does not mention or consider Moody-Adams's argument either.

Ancient Slavery, one should be skeptical about the claim that the Hittite culture renders the Hittite lord unable to see that slavery is wrong for the following reasons. First, although there is no literature from the period that questions the morality of slavery, one should remember that the surviving literature was preserved by those who had an interest in maintaining the institution of slavery.¹⁰² The surviving literature does not represent and record all aspects of the Hittite society. Second, even if normative expectations about emotion, thought, and action regarding slavery in the Hittite society is that slavery is an acceptable practice, individual members of the society could still see the wrongfulness of slavery because the harm inflicted on the slaves was very severe. If they did not see it, it is very plausible that they “cho[se] not to know what one can and should know” (Moody-Adams 296). Citing evidence collected in the Milgram Experiment, Moody-Adams argues that people can be aware of their responsibility for cooperating in collective wrongdoing, even when they are reassured by social norms and authority figures that their cooperation is acceptable or required. In the Milgram Experiment, the subjects were asked to administer electric shock to another person, starting from mildly painful and progressing to severely painful. When the subject turned a switch, the ‘victim’ would pretend that she was shocked and under severe pain. It was observed that most subjects were willing to obey the experimenters and administer severe ‘pain’ to the ‘victims’, even when they saw the ‘victims’ acting as if they were under severe pain. Stanley Milgram’s explanation is that the obedient subjects were *unable* to refuse the order of the authority. However, Moody-Adams provides a different interpretation of the observation. It was noted that many cooperating subjects became agitated after seeing the ‘painful’ reactions from the ‘victims’: “Persons were observed to sweat, tremble, stutter, bite their lips, and groan as they found themselves increasingly implicated in the experimental conflict” (Stanley 66). Some verbally expressed grave concerns over the well-being of the ‘victims’ and were reluctant to carry on (although they did carry on). Some subjects “averted their eyes from

¹⁰² Moody-Adams reiterates this point from M.I. Finley (119–120). But one may also speculate that no one in the Hittite society produced any anti-slave literature because people were either slave-owners or illiterate (or both).

the person they were shocking” (Stanley 67). Some of them explained that they did not want to know the consequence of what they have done. Moody-Adams believes that this is a manifestation of affected ignorance.

In the case of *Ancient Slavery*, the slaveholder either (i) never thinks about whether slavery is wrong, or (ii) he does, but comes to the conclusion that slavery is fine. Rosen thinks that in case (i) the slaveholder is not culpable for his ignorance if it is reasonable for him not to think about it, and in case (ii) the slaveholder is not culpable for his ignorance if he makes a reasonable effort to figure out whether slavery is wrong. Guerrero thinks that whether the slaveholder is reasonable in not thinking about the morality of slavery or whether he has made a reasonable effort in figuring out whether slavery is wrong depends on the moral context. Because slavery is so wrong, and the slaveholder is *able* to see the wrongfulness (as the observation from the Milgram Experiment suggests), it is unreasonable for the slaveholder to not think about the morality of slavery. That is, other people can reasonably expect the slaveholder to think about the morality of slavery. In case (ii), whether the slaveholder has made a reasonable effort depends on what exactly he has done (which should be a lot).

Now I shall turn to Guerrero’s claim that acting from ignorance can be culpable even if the ignorance itself is inculpable. He considers the following case:

Douglas is contemplating killing a pig for dinner (imagine that the pig is currently still alive and healthy). Though not thinking in these explicit terms, he is able to understand the idea of moral status, and is questioning whether or not the pig has significant moral status—moral status such that it would be wrong to kill the pig in order to eat it. If he knew the pig did have significant moral status of this sort, Douglas would not kill it. After some effort, he is still unable to come to an answer to this question—he doesn’t know whether the pig has significant moral status. His reasons for wanting to kill and eat the pig are straightforward: he likes the taste. There are plenty of other food options that he knows are morally permissible, which would be nutritious and which he would enjoy eating, and which would not require killing pigs or any other animals. Still unable to decide the question, he goes ahead and decides to kill

and eat the pig, and does so successfully. For ease of exposition, let us stipulate that pigs in fact have significant moral status, such that it is wrong to kill them in order to eat them. (Guerrero 76)

In this case, Douglas remains ignorant about whether it would be wrong to kill the pig in order to eat it after making a reasonable effort to figure that out (if anyone thinks that Douglas has not made a reasonable effort, just add to the story that he takes an animal ethics class, reads animal ethics books, interviews Peter Singer and other philosophers specialized in animal ethics, *etc.*). Therefore, he is not culpable for his ignorance. However, he is culpable for killing the pig because he knows it could be the case that killing the pig is wrong. That is, he decides to take the risk of committing a moral wrong despite the fact that it is easy for him to avoid taking the risk, and so he is culpable for committing the moral wrong (Guerrero 76–78).

The Culpability for Ignorance in Politics

On Guerrero's view, there are three sets of sufficient conditions for culpability of acting from ignorance. First, if the agent completely neglects to reflect on the moral significance of her action while the moral context calls for such reflection, she is culpable for ignorance and she is culpable for acting from ignorance. Second, if the agent tries to figure out whether her action is morally wrong before she acts but the effort is not sufficient in the moral context, she is culpable for ignorance and culpable for acting from ignorance. Third, if the agent tries to figure out whether her action is morally wrong before she acts, does not reach a conclusion about it after taking sufficient effort required by the moral context, but acts anyway, she is not culpable for ignorance but culpable for acting from ignorance.

Here is how these conditions work in the case of participating in the collective wrongdoing perpetrated by one's polity. Consider a case that satisfies the first set of sufficient conditions. Amy is a person who has absolutely no interest in politics. She understands how the government works because she was required to take and pass the American Government course when she was in college, but as soon as she finished the course, she stopped paying attention to politics or social affair whatsoever. She says, "I

don't like to watch TV news or read the newspaper; it's depressing." It does not occur to her that she may have an obligation to participate in democratic deliberation, because she does not contemplate the relation between the impact of laws and policies on people and the depressing news on television and newspapers—but clearly she is able to do so. In this case, Amy is like many of the subjects in the Milgram Experiment who looked away from the 'victims' to avoid knowing the consequence of their actions.

Next, consider a case that satisfies the second set of sufficient conditions. Like Amy, Billy knows how the government works and does not read the news; but unlike Amy, he does think about the relation between the impact of laws and policies on people's lives and the depressing news on television and newspapers once in a while. However, his thought always stops at something like the following: "Reading the news is work! I have work enough at my job; I rather flip through funny video clips on Vine for hours after work or binge-watch *Arrested Development* for the whole weekend." In this case, Billy has not done enough to figure out whether he needs to do anything to avoid participating in the collective wrongdoing perpetrated by his polity and what he would need to do if he does need to do something.

Now, consider another case that satisfies the second set of sufficient conditions. Cindy is an evangelical Christian who grew up in an evangelical Christian community. Members of the community believe that the only thing that matters is to make everyone live a life that satisfies their Christian moral code and they should pursue that end via political means. Growing up in the community, Cindy takes this for granted. So, for example, she protests in front of the Supreme Court with her fellow church-goers for issues like anti-abortion, holding signs like "God's law is above Men's law," *etc.* When protesters who disagree with her try to explain to her why she is supporting laws and policies that hurt the well-being of the poor and place an unfair economic burden on them, she just brushes it off—"tough luck, but God's morality is the highest and those people just have to deal with it; don't just come up with excuses for leading a sinful life!" In this case, Cindy may believe that what she does constitute avoiding the participation of the collective wrongdoing perpetrated by her polity, but she has not done enough to

confirm that this is the case because she fails to consider whether “God’s morality” indeed sanctions or justifies the harm to the poor.

Consider also a variant of Cindy’s case. Denny does not grow up a religious person, but at some point of his adult life he begins to have a strong desire for absolute, black-and-white moral truth—he has a strong need for cognitive closure in the psychological sense. He discovers that Cindy’s religious community can offer the sort of firm answers to moral questions that he desires. So he joins her community before investigating whether those answers are indeed correct. In virtue of repeated exposure and confirmation bias, he comes to believe what Cindy believes and acts on the beliefs like Cindy does. Like Cindy, Denny has not done enough to consider whether “God’s morality” indeed sanctions or justifies the harm to the poor.¹⁰³

Finally, consider a case that satisfies the third set of sufficient conditions. Eddie is a philosopher who spends a lot of time to think about the obligation to avoid participating in the collective wrongdoing perpetrated by the polity. He wonders whether he has any obligation of this sort, but he cannot make up his mind. He decides to suspend his judgment about this and act as if he does not have this obligation. In this case, Eddie is inculpable for his ignorance of the obligation to avoid participating in the collective wrongdoing perpetrated by the polity, but he is culpable for participating in the collective wrongdoing perpetrated by the polity—he takes the risk.

Eddie’s case should not be confused with the following case. Freddy is another philosopher who spends a lot of time thinking about the obligation to avoid participating in the collective wrongdoing perpetrated by the polity. But Freddy is uncertain about what he can do in order to avoid participating in the collective wrongdoing perpetrated

¹⁰³ This case is inspired by Chris Mooney’s report about Yusuf Sarwar and Mohammed Ahmed, two young British nationals who tried to join the jihadist movement in Syria and pleaded guilty to terrorism offences in the United Kingdom, on *Mother Jones*. It was revealed that Sarwar and Ahmed purchased *Islam for Dummies* and *The Koran for Dummies* online before they left for Syria. So instead of being motivated by religious faith to join the extremist group, they desired to join the extremist group before knowing the content of the religious faith. Psychologist Arie Kruglanski explains in his interview with Mooney that young people like Sarwar and Ahmed are motivated by a need for cognitive closure, “a disposition that leads to an overwhelming desire for certainty, order, and structure in one’s life to relieve the sensation of gnawing—often existential—doubt and uncertainty.”

by the polity. So Freddy does not take the possible obligation to avoid participating in the collective wrongdoing perpetrated by the polity into consideration when he acts, because that would provide no guidance on how he ought to behave anyway. In this case, Freddy is not culpable for participating in the collective wrongdoing perpetrated by the polity. He does not take the risk of participating because there is no “safe” option for him.

Clearly individual circumstances vary greatly and one has to evaluate culpability case by case. Moreover, there are many controversial cases in which one cannot decide whether any set of the sufficient conditions is satisfied. My point is simply to give several plausible cases to show that the culpability for participating in the collective wrongdoing perpetrated by one’s polity is quite common.

3.5 CONCLUSION

In this chapter, I provided an argument for the claim that there is a defeasible obligation to participate in democratic deliberation. A democratic polity can perpetrate collective wrongdoing by unjustifiably harming someone’s well-being or impeding someone’s self-determination, where the harming or impeding is unjustifiable because the person being harmed or impeded can reasonably reject the considerations that justify or sanction the harming or impeding. A citizen may participate in the collective wrongdoing perpetrated by her polity by obeying the law or exercising her legal rights in ways that would help realize the harm. In order to avoid participating in such collective wrongdoing, a citizen needs to exercise her legal rights (*e.g.*, voting, free speech...) to help prevent or stop the harm or impediment; on rare occasion, civil disobedience may be called for. To help prevent or stop the harm or impediment, she needs to understand how laws and policies may harm certain people and whether these people have good reasons to reject the considerations that justify these laws and policies. Therefore, in order to avoid participating in the collective wrongdoing perpetrated by her polity, she needs to participate in democratic deliberation. Since there is a defeasible obligation to avoid participating in collective wrongdoing, there is a defeasible obligation to participate in democratic deliberation (assuming that the situation is not so dire that a revolution is called for).

I also discussed the conditions under which the obligation to participate in democratic deliberation can be defeated and how the scope of the obligation is limited. No one is obligated to participate in the democratic deliberation on every political issue because no one is capable of doing so. However, many people are obligated to participate in the democratic deliberation on certain political issues, depending on individual circumstances (*e.g.*, how much leisure time a person has, her areas of expertise, what other moral obligations she has, *etc.*). It is very plausible that a single parent working two full-time jobs in order to feed her children would have her obligation to participate in the democratic deliberation trumped by other obligations. However, it seems perverted for an emergency room physician or a social worker to claim that she has no obligation to form some informed opinions about the Affordable Healthcare Act or how Medicaid is supposed to work.

Towards the end I discussed the culpability of being ignorant about politics or one's obligation to participate in politics. Because political outcome has a huge impact on many people's lives, the stakes are high. Therefore, a person needs to put in a considerable effort to determine whether she is participating in the collective wrongdoing perpetrated by her polity and how she can avoid that. She is culpable for her ignorance if she does not do enough. Under some circumstances, a person can be culpable for participating in the collective wrongdoing perpetrated by the polity even though she is not culpable for her ignorance about politics.

CHAPTER 4: THE SUFFICIENT FREEDOM ARGUMENT

What is the relation between political freedom¹⁰⁴ and democracy? Isaiah Berlin famously argues that there is none. They are distinct kinds of value and they can conflict with one another. John Rawls recognizes this conflict and tries to find an appropriate tradeoff between them. Philip Pettit argues for a different conception of negative freedom (freedom as non-domination) and that democracy is partially constitutive of freedom: democracy is logically necessary for non-domination from the state and non-domination *is* freedom.

I shall argue, contrary to Berlin, that democracy is a practical necessity of political freedom (understood as a negative freedom) and the obligation to participate in democratic deliberation can be derived from the other obligations an individual already has.¹⁰⁵ The argument roughly goes like this. The minimally adequate level of political freedom is a level at which individual citizens are free enough to fulfill the obligations they already have.¹⁰⁶ The obligations citizens already have require them to create the conditions in which they can fulfill these obligations, to the extent that they can or they should (*e.g.*, without doing something outrageously immoral). Among these conditions is a minimally adequate level of political freedom. Therefore, citizens have a derived obligation to participate in democratic deliberation, the process through which they can shape their political institution into something that would provide for such freedom.

Moreover, the obligation to participate in democratic deliberation includes the obligation to support a democratic political institution. Democratic deliberation is a method of generating political outcome in the abstract sense (the weighing, giving, rejecting and accepting of reasons, *etc.*). Democratic political institution is an actual set of

¹⁰⁴ I use “political” to signify a sort of freedom that is distinct from what one may call “freedom of the will” in the compatibilist/incompatibilist debate. Unless otherwise specified, “freedom” means “political freedom” in this chapter. Besides, I will be using “freedom” and “liberty” interchangeably.

¹⁰⁵ Unless otherwise stated, “obligations” means defeasible moral obligations.

¹⁰⁶ One might think that the bar set by this definition is too low—it does not sound very free if individual citizens are only free enough to fulfill their moral obligations but, say, not free enough to pursue their non-moral life goals (*e.g.*, to become a musician). My point is that the bar set here only indicates the minimal level of freedom without which one cannot be regarded as politically free.

formal and informal rules through which democratic deliberation can happen. To support the political institution is to help defend or create rules that are indeed consistent with democratic values and to comply with them.¹⁰⁷ I will discuss the argument in detail in Section 1.

Contra Pettit, I think there is no need to conceive of freedom as non-domination in order to establish any relation between freedom and democracy. Moreover, Pettit's own account falls short of establishing the logical relation between democracy and freedom as non-domination, and we have reason not to conceive of political freedom as non-domination. I will present Pettit's view and my critique in Section 2.

Contra Rawls, I think the obligation to support a democratic political institution should be derived from the other obligations an individual already has (which fall under what Rawls would call "existing comprehensive doctrines"). If prescriptive claims from political philosophy are to have any grip on the individual level, they have to be a sort of applied ethics. I shall argue that the political conception of justice cannot serve as the "bridge" between individual obligations and individual actions in politics (*e.g.*, what laws one ought to support). Moreover, the so-called unreasonable conceptions of the good should not be preemptively excluded from politics through institutional design. Rather, one should reason with the unreasonable within the political process and try to win their heart there. I will discuss the argument for these claims in detail in Section 3.

4.1 THE POSITIVE ARGUMENT

The obligation to participate in democratic deliberation can be derived from other obligations an individual already has. The argument begins with three premises. First, one has many obligations in virtue of being a person and standing in various special relations with other people. Second, one cannot live without being hindered by

¹⁰⁷ Under this definition, civil disobedience could be understood as part of the political process. Unlike outright revolution, civil disobedience breaks the law without rejecting the authority of the legal system. A person who engages in civil disobedience in order to change a law that is inconsistent with democratic values is supporting the democratic political institution.

government policies in some way.¹⁰⁸ Third, one's obligation to do or to refrain from doing something requires one to create or sustain the conditions that would enable one to fulfill this obligation, to the extent that it is possible to create or sustain the conditions, or that doing so does not conflict with other weightier obligations (or reasons in general). If it is impossible to create or sustain the conditions, or if doing so would conflict with other weightier obligations, then the original obligation is defeated. From these premises it follows that one needs to participate in democratic deliberation to make sure that political interference does not prevent one from fulfilling one's *undefeated* obligations. In what follows, I will explain the premises and moves in detail.

a. One has many obligations in virtue of being a person and standing in various special relations with other people. The obligations one has in virtue of being a person are universal obligations that apply to all persons. They can be duties to the self (*e.g.*, taking care of oneself), duties to others (*e.g.*, shalt shall not kill), or neither (*e.g.*, the obligation to avoid destroying something with intrinsic value¹⁰⁹ for no reason—that seems to be an obligation that is not owed to any person).¹¹⁰ The obligations one has in virtue of standing in various special relations with other people are special obligations that are isomorphic to those special relations.¹¹¹ The obligations can be consensual (*e.g.*, the obligation generated by promising someone to do something) or nonconsensual (*e.g.*, the obligation to care for one's family). Some believe that there are no genuine nonconsensual special obligations; for example, one may think that the obligation to care for one's family is either consensual or derivable from universal obligations.¹¹² Regardless of one's view on special obligation, it should be clear that the set of obligations one has varies with one's station in

¹⁰⁸ The second premise does not assume that government is justified by such necessity. See footnote 22.

¹⁰⁹ *E.g.*, paintings by Van Gogh, the ancient Assyrian artifacts destroyed by ISIS, Amazon rainforest, *etc.*

¹¹⁰ I am using "duty" and "obligation" interchangeably. See footnote 14.

¹¹¹ What it means is that, it could be that special relations are grounded in special obligations (*e.g.*, there is a contractual relation between Amy and Billy because they owe contractual obligations to one another), that special obligations are grounded in special relations (*e.g.*, a parent has an obligation to care for her child because of the parental relation), or that both of them are grounded in something else (that is, we cannot determine the direction of the grounding relation between special relation and special obligation).

¹¹² Diane Jenke argues for a voluntary model of associative obligation in "Special Relationships and the Problem of Political Obligations." Robert Goodin argues that special obligations are derivable from universal obligations in "What Is so Special About Our Fellow Countrymen?".

life. One's obligations can be different from those of others in terms of kind (*e.g.*, a childless person has no parental obligation) or content (*e.g.*, different parents have the obligations to care for different children).

b. One cannot live without being hindered by government policies in some way. As a matter of empirical fact, one cannot live outside of the jurisdiction of any authority. Regulative laws are designed to limit the range of options people have (*e.g.*, traffic laws limit options about which side of the road you can drive). Tax laws take away the money one could otherwise spend freely. Even the laws that do not limit options directly may encourage certain kinds of behavior of the people (domestic or foreign) that would result in a change of options available to certain individuals (*e.g.*, government subsidies can skew market operation and make certain business models unprofitable).¹¹³ To follow Isaiah Berlin's terminology, these government actions are political interference, while being free from such interference is political freedom.

Political interference like government regulation can interfere with one's ability to fulfill one's obligations. For example, LGBT adoption is not a legal option in many parts of the world. Imagine a case in which a child's parents die in an accident and the child's only surviving family member is her gay uncle. The uncle has a special obligation to take care of his niece, and placing a child with her close relative is often in the child's best interest. However, the law forbidding LGBT adoption prevents the uncle from fulfilling his obligation.

The case described above is an obvious one. Sometimes the conflict between individual obligations and political interference may be subtler. For example, in order to benefit manufacturers that derive most of their profit from export, a government may devalue its currency, which causes inflation. Coupled with stagnant wages, working class

¹¹³ Here is a domestic example: the Dutch government makes high quality heroin freely available to drug addicts at government-run clinics, and this policy effectively reduces illegal drug trade. Another domestic example: federal subsidies to corn farmers encourage overproduction of corn. This floods the market with high fructose corn syrup, making it harder for consumers to buy any processed food without it. Finally, a foreign example: coordinating with foreign countries to maintain a high production of cruel oil around the world can depress energy price at home (and everywhere else).

parents need to work longer hours to pay for food and housing, cutting the time they would have to tend to the psychological needs of their children.

c. One's obligation to do or to refrain from doing something requires one to create or sustain the conditions that would enable one to fulfill the obligation... Consider the first half of the third premise with the following example. Amy has an obligation to deliver some grocery from point A to point B by her car. She acquires this obligation by making a promise to her friend. That means she is obligated to, among other things, make sure that her car has enough gasoline to travel from A to B. But when Amy makes the promise to her friend, her car only has enough gas to travel to the nearest gas station, not to deliver the grocery. Without adding gasoline, it is impossible to deliver the grocery. In this case, instead of thinking, "oh, then Amy has no obligation to deliver the grocery because it's not allowed by her present circumstances," we would conclude that Amy has an obligation to add gasoline (assuming that she is capable of doing so). This is because Amy's obligation requires her to create the conditions that would enable her to fulfill the obligation.

Similarly, one's obligations may require one to support or oppose certain government policies that are conducive to the fulfillment to those obligations. For example, a parent has an obligation to support, say, laws against child molestation, because this is conducive to her obligation to protect her child.

Notice that the consideration from *a*, *b* and *c* (the first half of the third premise) alone does not give rise to the obligation to participate in democratic deliberation. If there is no limit on how far one needs to go in order to fulfill one's defeasible obligations, then one only needs to support policies that are conducive to the fulfillment of these obligations without needing to determine whether these obligations are defeated by reasons arise from the needs or rights of others. For example, the obligation to protect one's child requires one to support laws against child molestation, and one need not engage in any collective-deliberative activity to figure this out. The parent may fulfill this obligation by supporting a law that requires judges to sentence child molesters to death ("the sure way to eliminate these pests from society!" the parent might think). In doing so, the parent has not taken into consideration things like the human rights of the child molesters, the social cost of having this law and its effects on other (non-molesting) members of society, *etc.*

This seems problematic, and hence the third premise is incomplete without the second half of it.

d. ... to the extent that it is possible to create or sustain the conditions, or that doing so does not conflict with other weightier obligations (or reasons in general). Consider the second half of the third premise with the following example. Imagine that Amy, the grocery deliverer, has no money. The only way she can get the tank filled would be to rob a pedestrian for cash or to rob the gas station for gasoline directly. Given that she is physically capable of robbing a pedestrian or a gas station, is she obligated to rob because of her obligation to deliver the grocery? No, because she also has the obligation not to rob anyone, and this obligation defeats her obligation to deliver the grocery. She may still deserve blame for making a promise that she does not fulfill,¹¹⁴ but we can hardly say that she ought to fulfill the promise, all things considered.

Or consider the obligation to care for one's child. There is an obligation to feed one's child, but if the only way to fulfill this obligation were to kill another person, then the obligation not to kill any person would defeat the obligation to feed one's child. We may say that a parent has the obligation to feed her child to the extent that she does not need to kill another person, among other things.

What follows from *a* to *d* is that one needs to help create or sustain at least some of the conditions in which either (i) government interference does not prevent one from fulfilling one's obligations or (ii) the interference is supported by obligations (or reasons in general) that defeat the obligations mentioned in (i). Let's say that satisfying (i) and (ii) provides a sufficient level of political freedom.¹¹⁵ To help create or sustain these conditions, one needs to support and participate in a political institution that has its policy-making process guided by these concerns. That is, one needs to participate in democratic deliberation *and* support a political institution that makes democratic

¹¹⁴ Or she tried to make a promise but failed—it turns out there is no promise because it was impossible to make one. As A.P. Martinich would argue, she is blameworthy for conversationally implying there is one (*i.e.* implying something false).

¹¹⁵ Again, the sufficient level of political freedom is the political freedom necessary for fulfilling one's undefeated obligations.

deliberation possible.¹¹⁶ Such a political institution would protect and promote political freedom of the familiar sorts: the freedom of expression, the freedom of association, the freedom from fear, the freedom to education, *etc.* To support such an institution is to help defend or create the rules that are indeed conducive to political freedom and to comply with them. The relation between democracy (understood as a democratic political institution) and political freedom is that, democracy is a practical necessity of political freedom, where political freedom is a practical necessity for fulfilling the existing obligations each individual citizen has.

At this point, someone may object to the move from the need of a political institution that aims at the appropriate combination of (i) and (ii) to the need of democratic deliberation. According to the objection, an ideally rational absolute monarch can determine the appropriate combination of (i) and (ii). My response is that, this ideal absolute monarch would be akin to God, who is more or less omnipotent, omniscience and omnibenevolent. A non-ideal absolute monarch would not have the capacity to know everyone's life circumstances and the obligations that follow from them, as well as how obligations of different people interact with each other, even with the help of a team of technocrats.¹¹⁷ Moreover, a non-ideal absolute monarch would not have the incentive to care about whether all people can maximally fulfill their obligations (whereas in the case of democratic deliberation, each participant is not expected to care about whether all people can maximally fulfill their obligations—each participant is expected to care about whether *she* can maximally fulfill *her* obligations; other people's obligations are relevant to the extent that they determine what constitutes “maximal fulfillment”). It is precisely because we are not governed by a God-like sovereign, nor can we approximate such a God-like sovereign by a technocracy, that we need democratic deliberation to determine the appropriate combination of (i) and (ii).¹¹⁸

¹¹⁶ This obligation is independent of the legitimacy of the government.

¹¹⁷ The rationale behind this claim is similar to Frederick Hayek's argument against centrally planned economy in “The Use of Knowledge in Society.”

¹¹⁸ One may prefer a stronger version of this claim: We need democratic deliberation to determine the appropriate combination of (i) and (ii) even if a God-like sovereign is possible, because self-government is a

Of course, democratic deliberation does not always determine the appropriate combination of (i) and (ii). It is conceptually and practically impossible. It is conceptually impossible because the range of options one needs to choose from can be equally good, incomparable (*e.g.*, supported by incommensurable values), or, in Ruth Chang's word, on a par. That is, it is conceptually possible that some conflicting combinations of (i) and (ii) are equally good, incomparable or on a par. It is practically impossible because of the volume and complexity of political decisions that need to be made as well as the number of citizens involved in the process.¹¹⁹ When democratic deliberation cannot determine the appropriate combination of (i) and (ii), decisions can be made through some less deliberative or democratic means, and the methods used to make this sort of decisions can itself be determined through democratic deliberation (if it is possible).

The account presented in this section superficially resembles Philip Pettit's account about political freedom and democracy. Both of us attempt to derive the need of a democratic political institution from the fact that citizens need to be sufficiently free. However, unlike Pettit, I follow Berlin in conceiving of political freedom as non-interference and acknowledge that any political interference is detrimental to the freedom of the person being interfered with. By contrast, Pettit argues that we should conceive of political interference as non-domination and political interference is not detrimental to freedom if it is not dominating. In the next section, I will discuss Pettit's response to Berlin's view on political freedom and argue that Pettit's conception of freedom as non-domination is not more preferable than freedom as non-interference.

4.2 CIVIC REPUBLICANISM AND FREEDOM AS NON-DOMINATION

According to Isaiah Berlin, political theorists use the concept of freedom (or liberty) in two different senses. In the negative sense, being free means "unobstructed," not being "prevented from attaining a goal by human beings" or "non-interference" (Berlin 122). In

moral responsibility. To avoid controversies about what constitutes self-government and whether it is indeed a moral responsibility (or intrinsically valuable, or something like that), I will not pursue this line of argument here.

¹¹⁹ The limitations of deliberative democracy are discussed in Appendix A.

the positive sense, freedom means self-directedness, self-mastery or autonomy (Berlin 131–134). It is acting in accordance with one’s rational will, social self, or “the real self” in any substantive sense, and it often involves imposing limitations on one’s behavior by oneself or others. For example, acting from the moral law in the Kantian sense would be imposing limitations on one’s behavior by oneself. According to Rousseau, freedom is “obedience to a law which we prescribe to ourselves” (quoted in Berlin 136).

Berlin argues that negative freedom and positive freedom are two different kinds of value, and only the former deserves the name “freedom.” Negative freedom concerns questions like “What am I free to do or be?”, while positive freedom concerns questions like “by whom am I ruled?” or “Who is to say what I am, and what I am not, to be or do?” (Berlin 130). Although things like self-directedness can be intrinsically valuable and perhaps people should pursue them at the expense of (negative) freedom, it should not be confused with freedom as such. Moreover, consent to interference does not transform interference into freedom. Interference with consent is still interference, which is necessarily a deprivation of (negative) freedom. For these reasons, there is no necessary connection between individual liberty and democracy, and they can at times be incompatible with one another.

Pettit agrees with Berlin that only negative freedom is genuine freedom and that freedom as non-interference is necessarily in conflict with democratic rule (because non-interference necessarily conflicts with any political rule). However, he argues that there is another conception of negative freedom, namely, freedom as non-domination, of which the “republican democracy” is necessary.

According to Pettit, a hindrance blocks one’s physical or cognitive access to an option about what to do. For example, if someone locks me up, I am physically blocked from going out; if someone pursues me to believe that the door is locked while it is not, I am cognitively blocked from going out. An option is blocked if it is completely removed from the choice situation, *e.g.*, cannot drive a car because the car is destroyed, or if it is so heavily penalized to the point that it changes its nature fundamentally, *e.g.*, cannot drive a car because the government introduces a law to make it prohibitively costly (Pettit 52–54). An invasion is a hindrance that specifically affects a particular action, *e.g.*, driving a car

into the city center, and it is “triggered by” attempting the action, *e.g.*, using the car for the purpose of getting into the city center (Pettit 38). This can happen when, for example, there is a law that forbids the action, or “others may be tempted by your action to emulate you” (*ibid.*), which prevents one from completing the action.¹²⁰ By contrast, an instance of vitiation is a “generic” hindrance, *e.g.*, the car lacks fuel, engine fails, *etc.*¹²¹ Only invasion, not vitiation, can be a deprivation of freedom.

However, not every hindrance that specifically affects a particular action being triggered by attempting the action is an invasion. If one’s choice is invaded, one is being subject to *someone else’s* will, whether it is the will of an individual or a composite agent (*e.g.*, the state). That is, it is not up to one to decide whether a hindrance is in place; someone else decides it. Pettit calls the status of being subject to someone else’s will “domination.” By contrast, if it is up to one to decide whether there is the hindrance in place, then one’s choice is not invaded. For example,

Suppose you wish to restrict your alcohol consumption and hand over the key of your alcohol cupboard to me, making me promise to return the key only at twenty-four hours’ notice and not in response to a request for its immediate return. When I refuse a request for immediate return of the key, I interfere with your choice, removing the option of having a drink now. I deny you the possibility of choosing according to your current will. But do I subject you to my will? Do I impose my will on you, for example, in a way that might reasonably trigger resentment? Surely not. (Pettit 57)

In this case, there is interference in Berlin’s sense, but no invasion or domination in Pettit’s sense. There is no domination because the interference is “controlled” by the person being interfered.¹²²

¹²⁰ *E.g.*, when everyone tries to drive to the city center, one would be stuck in traffic

¹²¹ Of course, the lack of fuel or the breakdown of the engine would be an invasion rather than vitiation if it is caused by a law designed to prevent people from driving to the city center.

¹²² On a related note: Jon Elster has a theory that explains the rationality of individual precommitment and its analogue in the political realm (constitutional democracy).

Domination without actual interference is also sufficient for invasion. The mere possibility of interference from someone can alter one's perception of the choice situation and subsequently blocks the cognitive access to certain options about what to do.¹²³ Think about self-censorship under some totalitarian regime—the authority does not need to make explicit about what kinds of materials they would ban and people would withhold their opinions before the authority actually confronts them. Pettit calls this kind of situation “invigilation” (Pettit 60–62).

Pettit has two arguments for thinking that freedom should be understood as non-domination instead of non-interference. First, it is invasion that we actually care about, and invasion varies with domination, not interference. Second, Berlin's argument for his conception of freedom as non-interference can be extended to support freedom as non-domination.

The significance of invasion is that it causes resentment. Hindrance in general often cause frustration, but one would not resent anyone for, say, the impact of bad weather on one's plans, or by one's “lack of certain skills or knowledge” (Pettit 43).¹²⁴ Resentment arises only when the hindrance results from the imposition of someone else's will, as the following example illustrates:

Suppose that as you park your car in an unknown part of town, someone warns you that if you leave your car there, it is likely to be damaged by a coming hailstorm. Imagine the worry about the hailstorm—and the gratitude for the information provided—that the warning would trigger. And now think by contrast about the reaction that you would have in the parallel case where the person makes a threat, if you leave your car there, to impose a similar level of damage. You will be anxious about the damage of which you

¹²³ Pettit insists that this is the case even if the dominator is benevolent and the person dominated believes that it is extremely unlikely that the former would actually interfere (Pettit 60). I will dispute this point later in this section.

¹²⁴ I actually think one can resent oneself for the lack of certain skills or knowledge if one believes that the lack of skills or knowledge is the result of one's previous decision (*e.g.*, believing that one's previous self has wronged one's current self). On Pettit's account, this would be unreasonable because the result is not from someone else's will.

are warned in the first scenario but, unless you are not as other people, you will be outraged about the damage with which you are threatened in the second. The warning alerts you to a cost that it is certainly important to take into account in deciding whether to park your car. But while the threat reveals your exposure only to a similar cost, it also does more besides. It shows that you are not acting under your own will in adjusting to your environment; you are in a situation where another will presumes to rule over your actions. (Pettit 43)

Of course, one may think that the potential damage from hailstorm does not involve any human activity, and so there is no object of resentment. But we can easily add to Pettit's story that the hailstorm, like many other weather phenomena, is caused by human activity through some sort of butterfly effect. In that case, one still would not resent the people who unwittingly cause the hailstorm, and this is because the potential damage from hailstorm does not involve the imposition of the will of anyone.

If it is invasion that actually matters and invasion is constituted by domination instead of interference, non-domination is a better conception of political freedom than non-interference. Domination is the potential of being interfered with, where the interference depends on the will of the interfering party rather than the will of the interfered with. The important question about freedom is "who is in the position to interfere" rather "is there any interference," directly contradicts what Berlin says.

However, Pettit argues that Berlin should have reached the same conclusion. Berlin has an argument against Thomas Hobbes's conception of freedom as non-interference. According to Hobbes, one is free as long as one is not prevented from doing things she intends to do: "A free man, is he, that in those things, which by his strength and wit he is able to do, is not hindered to do what he has a will to" (139; pt. 2, ch. 21, sec. 2). Then, paradoxically, according to Hobbes, one can have more freedom by intending to do less. Berlin thinks this is absurd because this is not what liberation means. Pettit reconstructs Berlin's argument as follows:

1. Suppose with Hobbes that you enjoy freedom in a choice between X and Y just in case you avoid hindrance in the option that you actually choose; suppose that non-frustration is enough for freedom.
2. By that supposition, you do not enjoy freedom of choice in that case where I hinder X, not Y, and you choose X.
3. But, by supposition, you would enjoy freedom of choice in that case, if you were to choose Y.
4. If you know the situation, therefore, it appears that you can give yourself freedom of choice, without constraining my hindrance, just by adapting your preferences and choosing Y.
5. But this is absurd. You cannot make yourself free in the choice just by accommodating yourself to my disposition to hinder your choice.
6. Thus the original supposition that non-frustration is enough for freedom of choice must be false. (Pettit 31)¹²⁵

Pettit thinks that if one accepts the reasoning in the argument above, one should also accept the following argument:

1. Suppose with Berlin that you enjoy freedom in a choice between X and Y just to the extent that you avoid interference; suppose that non-interference, with or without domination, is enough for freedom.
2. By that supposition, you do not enjoy freedom of choice in the case where I have a power of interference and, being ill-willed, am disposed to interfere with one or the other option.
3. But, by supposition, you would enjoy freedom of choice in that case if I were disposed, notwithstanding my power of interference, to interfere with neither.

¹²⁵ Berlin's original argument can be found on page *xxxix*.

4. If you know the situation, then, it appears that you can give yourself freedom of choice, without reducing my power of interference, just by ingratiating yourself with me and getting me to let you have your way.
5. But this is absurd. You cannot give yourself freedom of choice just by accommodating yourself to my power of interference.
6. Thus the original supposition that non-interference is enough for freedom of choice must be false. (Pettit 64–65)

The point is that “neither adaptation nor ingratiation counts as a means of liberation in a given choice” (Pettit 65). If Berlin thinks that Hobbes’s conception of freedom is inadequate because adaptation is not a means of liberation, he should also think that freedom as non-interference is inadequate because ingratiation is not a means of liberation either.

After arguing that non-domination is the preferred conception of freedom, Pettit moves on to argue that democratic rule is necessary and sufficient for non-domination from the state (which is a composite agent on Pettit’s account) and other fellow citizens.¹²⁶ It is necessary because any non-democratic rule is necessarily dominating and without any political authority to enforce a certain social order, one can be dominated by other powerful fellow citizens.¹²⁷ It is sufficient because democratic rule gives each citizens *control* over how she would be interfered by the state.

When one has control over how one is to be interfered with, one is not dominated. This is obvious in the one-on-one cases. If one instructs a friend not to return the key to the alcohol cupboard without the twenty-four hour notice in advance, one has control over how one will be prevented from accessing the alcohol cupboard. When the friend withholds the key, she is merely following instructions without imposing a will of her own. In the case of democratic rule, *the people* have control over how the law would interfere

¹²⁶ Pettit, like Hobbes, thinks that the state (constituted by all citizens) acts when the government acts on behalf of it.

¹²⁷ Pettit thinks that social order cannot be maintained by spontaneous social norms; it has to be maintained by the law. Moreover, he thinks that (quoting Francis Fukuyama) “the rich tend to get richer, in the absence of state intervention” (Pettit 135). In that case, the rich would dominate the poor. *Cf.* Pettit 132–136.

with them, assuming that they all get involved in the process of policy-making (*e.g.*, voting). Therefore, a (truly) democratic state does not dominate its citizens.

However, there is a gap between the one-on-one case and the many-on-one case. For example, in the latter case, the instruction of interference is not determined by one citizen but the people as a whole. What does it mean to say that one of the people (a citizen) has control over political interference through democratic rule? Pettit thinks that control comes in degrees, and a citizen has control as long as she has influence over the political process, where influence can be understood as raising the likelihood of a certain outcome (153–156).

One may think that since a citizen has no choice as to whether she is to be interfered with by the state or not, she is dominated by the state. Pettit's response is that, her lack of choice over whether to be interfered with by the state is not state domination or a result of it. Rather, it is a result of the fact that one is born into a state and it is difficult to emigrate, which is "a product of the existing world order, not the result of a dominating presence in [one's] life" (Pettit 162). This fact is not determined by the will of the state. It is akin to "having to live in the presence of gravity" (*ibid.*).

To summarize: Pettit argues that the appropriate conception of political freedom is non-domination, and democracy is both necessary and sufficient for freedom as non-domination. Now, I will argue that Pettit's account should be rejected for the following reasons.

First, that the state will interfere with everyone that is born into the state is a decision made by the state (or its people as a whole). This is because it is possible for a truly democratic state to decide to abolish all its laws or to dissolve itself (whether there will be something else that fills the power vacuum afterward is a separate issue). It is one thing to say that this is extremely unlikely to happen in real life, while it is quite a different thing to say it is a nomological necessity like gravity. The Earth cannot decide whether to keep or abolish its gravity.

If Pettit insists that the state cannot decide whether to interfere with its people or not because it is a "historical and political necessity" (162), why should we think that it could decide whether to interfere with its people in one way and not the other? Why aren't its

policies also products of historical and political necessity? After all, political scientists have argued that certain ranges of policy outcome are often determined by the existing structure of the political institution (*e.g.*, a two-party electoral system favors centralist policies). In that case, the state no longer looks like an acting agent; it is more like the Earth. The Earth is not an acting agent; when there is an earthquake, the Earth is not interfering with the lives of its inhabitants. If the state is not regarded as an acting agent, then by definition it is not dominating. Then whether there is democratic control over the state would be irrelevant to the problem of political freedom on Pettit's account.

Second, "control" is ambiguous. When Pettit talks about democratic control, "control" means influence and it comes in degrees; whereas when he introduces the case of alcohol cupboard, he suggests that "control" entails complete determination of the outcome: the interfering friend "perform[s] like a robot that is programmed to satisfy [one's] instructions" (Pettit 57).¹²⁸ If anyone is enticed by the claim that one is not dominated when one has control over the interference, "control" must be understood in the latter sense.

Moreover, if having some influence over the outcome is control (in the former sense), ingratiation is also a form of control. Ingratiation is, by definition, "to establish (oneself or someone else) in the favor or good of someone, especially by deliberate effort" (dictionary.com). When one ingratiate oneself with someone to get the latter to let one has one's way, one is influencing the outcome. But if ingratiation is a form of control in the sense of influence, and it does not constitute non-domination, it follows that control in the sense of influence does not necessarily constitute non-domination.

The analogy between the alcohol cupboard case and the case of the state is at best like the following: like the person who gives the key to her friend and instructs the friend what to do, the state has control over the government that acts on its behalf. The state is not dominated. However, the alcohol cupboard case is not like the case of the state because it indicates nothing about whether each member of the state is dominated or not.

¹²⁸ I take it that Pettit takes the analogy of robot and programming quite seriously because of his view on group agents, which is presented and discussed in detail in *Group Agency* by List and Pettit (1–73).

The state is distinct from each of its members. To infer that a citizen is not dominated because the state is not dominated is to commit the fallacy of division.

Third, the reason for preferring non-domination to non-interference as the appropriate conception of freedom is weak. It seems that domination does not always trigger resentment. For example, consider members of Abrahamic religions, who conceive of God as essentially dominating everything. They do not resent God or his authority to control everything. Perhaps Pettit would say it would be reasonable for them to resent someone like God; but it would also be reasonable for them not to resent God (because God is supposed to be benevolent, omnipotent, *etc.*). This is similar to what we would say about interference: people do not always resent interference; sometimes it is reasonable to resent and sometimes it is not. Therefore, non-domination has no obvious advantage over non-interference in terms of capturing people's intuition about freedom.

The first and second points show that democratic rule does not constitute non-domination. The third point shows that non-domination is not a better conception of freedom in terms of capturing people's intuition about freedom. Therefore, I conclude that Pettit's account should be rejected.

4.3 EQUAL LIBERTIES AND REASONABLENESS

In the first section of this chapter, I argue that the obligation to support a political institution that is democratic and free in relevant ways can be derived from the universal and special obligations an individual already has. In Rawls's own terminology, this amounts to saying that we should "look to the comprehensive doctrines that in fact exist and then draw up a political conception [of justice] that strikes some kind of balance of forces between them" (*Justice as Fairness: A Restatement* 188).¹²⁹ This is precisely what Rawls

¹²⁹ The philosophical, moral or religious doctrines that specify a particular conception of the good (one's view about life, the higher power, right and wrong, intrinsic values, *etc.*) are called "comprehensive doctrines." One's comprehensive doctrines give rise to one's universal and special obligations (*e.g.*, one may believe that murder is wrong (universal obligation) and one has an obligation to honor one's parents (special obligation) because of the Ten Commandments (religious doctrine)).

When I claim that the obligation to support a free and democratic political institution can be derived from the universal and special obligations an individual already has, I am making a moral realist assumption: an individual can only have genuine moral obligations. A white supremacist's "obligation" to drive out all

rejects. He thinks that we should first determine the content of the fair terms of social cooperation and then explain why people would have reasons to support this sort of social arrangement.

Rawls and I have different theoretical goals. I am trying to show why almost everyone has reasons—obligations are reasons—to participate and support democratic deliberation, while Rawls is trying to characterize a social arrangement that is fair and stable, at the expense of excluding certain people (*i.e.* the unreasonable) from the political process (“excluding” in the sense of preemptively ruling out certain political outcomes by entrenched institutional design). However, the theoretical disagreement still needs to be addressed because Rawls and I have competing conceptions of freedom and equality of a person. On my view, the content of the conception is that *each* individual citizen is *free* enough to fulfill the obligations she acquired from her personhood (universal obligations) or social roles (special obligations), which is to be determined by actual democratic deliberation. On Rawls’s view, the content of the conception is expressed by the choice anyone would make in the original position: the principles of justice, which has the consequence of excluding certain citizens from politics. These views are competing views because both of them claim to provide guidance on how a citizen should engage in politics.

I shall argue that my conception of freedom and equality of a person is more plausible than Rawls’s. In what follows, I will first discuss Rawls’s political conception of justice, which characterizes the relation between liberty and democracy (equal liberty and the principle of participation) and what constitutes a fair trade-off between individual freedom and the overall freedom of the community. After that, I will discuss the implausibility of the political conception of justice.

people of color from the States is not a genuine moral obligation. In Rawls’s terminology, “the comprehensive doctrines that in fact exist” need not be real in this sense, but democratic deliberation can be understood as the process that “strikes some kind of balance of forces between them,” where the right balance would be such that obligations that are not real would be more or less defeated.

Justice as Fair terms of Social Cooperation

Rawls follows Gerald MacCallum to conceive of liberty as a triadic relation: “the agents who are free, the restrictions or limitations which they are free from, and what it is that they are free to do or not to do” (*A Theory of Justice* 202) and considers the distinction between negative and positive freedom as unnecessary. Political liberty (“liberty in connection with constitutional and legal restrictions”) is “a certain structure of institutions, a certain system of public rules defining rights and duties” (*ibid.*). For example, one has liberty of conscience if one is “free to pursue [one’s] moral, philosophical, or religious interests without *legal* restrictions requiring them to engage or not to engage in any particular form of religious or other practice, and when other men have a *legal* duty not to interfere” (*A Theory of Justice* 202–203, my emphasis).

According to Rawls, the requirement of equal liberties follows from the first principle of justice and the fact that the first principle has priority over the second principle.¹³⁰ The principles of justice are

First Principle: Each person is to have an equal right to the most extensive total system of basic liberties compatible with a similar system of liberty for all. (*A Theory of Justice* 250)

Second Principle: Social and economic inequalities are to be arranged so that they are both:

- a) to the greatest benefit of the least advantaged, consistent with the just savings principles, and
- b) attached to offices and positions open to all under conditions of fair equality of opportunity. (*A Theory of Justice* 302)

Basic liberties are “the right to vote and to be eligible for public office,” “freedom of speech and assembly,” “liberty of conscience and freedom of thought,” “freedom of the person along with the right to hold (personal) property,” and “freedom from arbitrary arrest and seizure as defined by the concept of the rule of law” (*A Theory of Justice* 61). The

¹³⁰ Rawls argues for the priority of the principles in *A Theory of Justice* 541–548.

first principle requires that all citizens enjoy the same basic liberties, and a basic liberty (that is equally accessible to everyone) “can be limited only for the sake of liberty itself” (*A Theory of Justice* 204), *e.g.*, to maximize the total liberties accessible to everyone.¹³¹ Moreover, because the first principle has a higher priority than the second principle, limitation on basic liberties cannot be justified by equality of social or economic benefits (*cf. A Theory of Justice* 63). For example, freedom of speech cannot be limited for reasons like it promotes social and economic inequality (*e.g.*, discriminatory speech against poor people can harm the career opportunity of the poor); it can be limited only if it undermines other basic liberties (*e.g.*, how hate speech may threaten public safety, which would in turn threaten freedom of speech and assembly). A political institution that satisfies the principles of justice constitutes the fair terms of social cooperation.

In a society with equal liberties, citizens should have equal access to the right of political participation—“the right to vote and to be eligible for public office” and “freedom of speech and assembly.” Rawls calls this “the principle of (equal) participation” (*A Theory of Justice* 221): “all citizens are to have an equal right to take part in, and to determine the outcome of, the constitutional process that establishes the laws with which they are to comply” (*ibid.*). Therefore, for Rawls, the relation between freedom and democracy is this: part of what it means to be free is to be a member of a society with a free political institution, which is, among other things, democratic.

The right of political participation is limited, ideally to the equal extent for everyone. First, the political institution that is designed to guarantee basic liberties (*i.e.* constitution) is not negotiable. It cannot be changed through politics. Second, political institution concerning social and economic equality has to be justified by the second principle of

¹³¹ Rawls maintains, “the basic liberties must be assessed as a whole, as one system,” because “the worth of one liberty normally depends upon the specification of the other liberties” (*A Theory of Justice* 203). He gives the following example: “certain rules of order are necessary for intelligent and profitable discussion. Without the acceptance of reasonable procedures of inquiry and debate, freedom of speech loses its value” (*ibid.*). However, it seems that the worth of one liberty is distinguished from the *relative* worth of a liberty to a certain individual. Two individuals may have the same liberty, but it may be worth less to one of them because she lacks the capacity to take advantage of it. The requirement of equal liberties does not require equal worth (*cf. A Theory of Justice* 204).

justice. This limits what reasons a citizen can use to justify her political preference to others in the political process. The political institution that is regulated by the principles of justice, or “the political conception of justice,” is “the basic structure of society” (Rawls, *Political Liberalism* 11).¹³²

At this point, one may wonder whether “equal liberties” in this sense indeed captures the most relevant conception of equality. As Rawls himself points out, in addition to being free and equal, citizens should also be regarded as having “the [moral] capacity to have, to revise, and rationally to pursue a conception of the good,” which is “an ordered family of final ends and aims which specifies a person’s conception of what is of value in human life” (*Justice as Fairness* 19). Some of these conceptions can conflict with the principles of justice. For Rawls, political pluralism (pluralism of conceptions of the good allowed by the political institution) is justified to the extent that it does not undermine the principles of justice, which specify the fair terms of social cooperation. That means citizens are not allowed to pursue conceptions that are incompatible with the principles of justice in a just (*i.e.* fair) political institution. In that case, one may say that “equal liberties” are not really equal for everyone: citizens with certain conceptions of the good are less free in terms of pursuing their own conceptions of the good. Rawls would agree with this—the freedom to pursue one’s conception of the good is not a basic liberty—and this is a limitation on overall liberty. Moreover, although neither the reasonable nor the unreasonable can appeal to their own conceptions of the good to justify the basic structure, the latter has no chance to reconcile their conception of the good with the law.

But this sort of “inequality” would not bother Rawls for the following reason. Rawls believes that a fair social arrangement that treats everyone as free and equal is only possible among those who are rational¹³³ and reasonable. A reasonable person is the one who is “ready to propose, or to acknowledge when proposed by others, the principles

¹³² There are parts of the political institution that are not concerned with basic liberties or social and economic equality. The limitation from the principles of justice does not apply. *Cf.* Rawls, *Justice as Fairness* 245–246.

¹³³ A rational person is the one who has self-interests to pursue and is able to pursue the means to those interests.

needed to specify what can be seen by all as fair terms of cooperation” (*Justice as Fairness* 6–7) and she would honor these principles at the expense of her own interests. Since the principles of justice are the fair terms of social cooperation, pursuing a conception of the good that is incompatible with the principles (*i.e.* an unreasonable conception of the good) would clearly make one unreasonable.

Moreover, a reasonable person would recognize that the principles of justice *are* the fair terms of social cooperation *a priori*. A reasonable person would accept the fact that there can be reasonable disagreement between different conceptions of the good (“the burdens of judgment”), because “among reasonable persons are the many obstacles to the correct (and conscientious) exercise of our powers of reason and judgment in the ordinary course of political life” (*Justice as Fairness* 35).¹³⁴ These obstacles include

- a) The evidence—empirical and scientific—bearing on a case may be conflicting and complex, and thus hard to assess and evaluate.
- b) Even where we agree fully about the kinds of considerations that are relevant, we may disagree about their weight, and so arrive at different judgments.
- c) To some degree all our concepts, and not only our moral and political concepts, are vague and subject to hard cases. This indeterminacy means that we must rely on judgment and interpretation (and on judgments about interpretations) within some range (not sharply specifiable) where reasonable persons may differ.
- d) The way we assess evidence and weigh moral and political values is shaped (how much so we cannot tell) by our total experience, our whole course of life up to now; and our total experiences surely differ. So in a modern society with its numerous offices and positions, its many divisions of labor, its many social groups and often their ethnic variety,

¹³⁴ Notice that “reasonable” is used in two different senses. In one sense, a reasonable person is someone who is willing to engage in social cooperation on fair terms and a reasonable conception of the good is a conception of the good that is compatible with the fair terms. In another sense, a reasonable disagreement is a disagreement that results from the burdens of judgment—what we often call “arguable.”

citizens' total experiences differ enough for their judgments to diverge to some degree on many if not most cases of any significant complexity.

- e) Often there are different kinds of normative considerations of different force on both sides of a question and it is difficult to make an overall assessment. (*Justice as Fairness* 35–36)

Because there can be reasonable disagreement between different conceptions of the good, a fair political institution should not interfere with the pursuit of a particular conception of the good for reasons derived from another conception of the good. Even if there is a fact of the matter as to whether one is pursuing the “genuine” conception of the good, one is only lucky enough to be in the position of getting it right; it is unfair to restrict one’s freedom to pursue one’s conception of the good only because of the lack of luck.¹³⁵ Rather, a fair political institution can interfere only when the conception conflicts with the principles of justice, the fair terms of social cooperation. The fair terms are not derived from any particular conception of the good (but *perhaps* derivable from some reasonable conception of the good, a set of conceptions that would constitute the reasonable overlapping consensus; cf. Rawls, *Justice as Fairness* 37).

An unreasonable person may pursue her unreasonable conception of the good to the extent that it does not interfere with other people’s pursuit of their reasonable conceptions of the good. By contrast, a reasonable person may pursue her reasonable conception of the good to the extent that it interferes with other people’s pursuit of their *unreasonable* conceptions. That is because the unreasonable person is unwilling to cooperate on fair terms while the reasonable person is willing.¹³⁶ For example, “an intolerant sect has no title to complain of intolerance” (Rawls, *A Theory of Justice* 218). It does not immediately follow that “tolerant sects have the right to suppress them” (*ibid.*): “Whether the liberty of the intolerant should be limited to preserve freedom under a just constitution depends on

¹³⁵ The original position is supposed to bring out this point.

¹³⁶ There is an apparent gap in Rawls’s reasoning: an unreasonable person may be willing to cooperate on what she considers to be fair terms, but she rejects the burdens of judgment (which makes her unreasonable). I will discuss this later.

the circumstances” (*A Theory of Justice* 219), like whether the intolerant sect poses an immediate threat to the basic liberties of the tolerate sect.

Why would anyone support a political institution that is fair in this sense? Early Rawls (*A Theory of Justice*) thinks that supporting a fair political institution is a “natural duty” (which, in my terminology, is a universal moral obligation).¹³⁷ It is an unconditional moral principle that can be recognized as such in the original position, without appealing to any particular conception of the good or comprehensive doctrine (*A Theory of Justice* 333–355). However, later Rawls (*Justice as Fairness* and *Political Liberalism*) comes to realize this natural duty cannot realistically justify a fair political institution to *all* of those who are subject to the institution.¹³⁸ The principles of justice can be satisfied in multiple ways, and there can be reasonable comprehensive doctrines that are incompatible with one another (*i.e.* cannot be tolerated in the same political institution to the same extent). Therefore, even if there is a natural duty to support *a* fair political institution, it does not follow that there is a natural duty to support *any* fair political institution.¹³⁹ In response to this problem, Rawls takes a different approach to answer the question in the beginning of this paragraph and introduces the distinction between “comprehensive philosophical and moral doctrines and conceptions limited to the domain of the political” (*Political Liberalism* xv). Instead of relying on the notion of the natural duty (which is a sort of comprehensive doctrine) to support a fair political institution, he asks what sort of grounds one can appeal to so that all disagreeing reasonable persons can settle on a fair political institution and tolerate one another.¹⁴⁰ The sort of grounds one can appeal to in settling political dispute is the political conception of justice.

¹³⁷ The duty has two parts: “first, we are to comply with and to do our share in just institutions when they exist and apply to us; and second, we are to assist in the establishment of just arrangements when they do not exist, at least when this can be done with little cost to ourselves” (Rawls, *A Theory of Justice* 334).

¹³⁸ Rawls describes the evolution of his view in *Political Liberalism* xv–xvii.

¹³⁹ Jeremy Waldron suggests that one can avoid this problem by weakening the natural duty to support a just political institution to the natural duty of not undermining such a political institution. The duty of not undermining the political institution does not give rise to the obligation to participate in politics.

¹⁴⁰ Rawls formulates the question in a slightly different way: “what are the grounds of toleration so understood and given the fact of reasonable pluralism as the inevitable outcome of free institution?” (*Political Liberalism* 4).

Rawls's answer in *Political Liberalism* can be understood as follows. We should mark a sharp distinction between the sort of reasons that justify political actions (what the government does through its law, which is shaped by its constitution, among other things) and the sort of reasons that justify moral actions more generally. The principles of justice “[exemplify] the content of a liberal political conception of justice” (Rawls, *Political Liberalism* 6), and one can appeal only to the political conception of justice to support or reject a political institution. The political conception of justice does not regulate any action outside of the political domain. Within this framework, reasonable persons can avoid political disagreement generated by incompatible comprehensive doctrines, and so they can settle on a fair political institution. The exact arrangement defined by the political institution would be contingent on the historical development of the institution. And Rawls believes that reasonable persons would be willing to accept these constraints: at first out of self-interests (social cooperation can maximize self-interests), and then out of respect for the democratic liberal political culture that is developed over time (*cf.* *Political Liberalism* 133–168).

Here ends the overview of Rawls's political liberalism. Next, I will present a critique of Rawls's view. In short, the critique is that the political conception of justice is either superfluous or irrational, and the unreasonable should not be excluded from the political process by an arrangement that is stipulated *a priori*.

The Implausibility of the Political Conception of Justice

Suppose a reasonable person is willing to cooperate with others on some instantiation of the fair terms. There are two possibilities: social cooperation on this particular instantiation of the fair terms is conducive to the pursuit of her own conception of the good, or that it is not. If it is conducive to the pursuit of her own conception of the good, she can reconcile her comprehensive doctrines with the political conception of justice. But in that case she does not need the political conception of justice to justify the political institution—the political conception seems superfluous.¹⁴¹

¹⁴¹ Robert Adams raises a similar point.

If social cooperation on fair terms is not conducive to a reasonable person's pursuit of her own conception of the good, then either the political conception of justice requires her to do something irrational, or it has to be a comprehensive doctrine that always defeats other competing comprehensive doctrines. For Rawls, a rational person is someone who has self-interests to pursue and is able to pursue the means to those interests. If someone chooses to cooperate with others on some instantiation of the fair terms at the expense of abandoning her own reasonable conception of the good, then either she is being irrational for not pursuing her highest self-interests (as defined by her conception of the good), or she is pursuing her highest self-interests by cooperating with others on some instantiation of the fair terms just for the sake of it. The latter disjunct implies that the political conception of justice is itself a sort of comprehensive doctrine, something that can defeat other comprehensive doctrines in the same moral domain. This is exactly what later Rawls rejects. So we are left with the first disjunct: the person would be irrational. But that goes against the political conception of a person, which regards a person as both reasonable and rational.

Therefore, the political conception of justice is either superfluous or irrational when it comes to guiding individual actions. In either case, it does not seem to solve the problem that Rawls has set out to solve. Suppose Amy believes that Holocaust denial should be legal because of freedom of speech, and Billy believes that Holocaust denial should be banned because it is a perpetration of Anti-Semitism.¹⁴² They both have a point. On the one hand, Holocaust denial can threaten the basic liberties of the Jewish people by inciting racial and religious hatred, at least to some extent. On the other hand, banning Holocaust denial is a limitation on one basic liberty. Amy and Billy have a reasonable disagreement about which fair political institution to choose that cannot be settled by the political conception of justice. If Amy wants to convince Billy to accept a political institution that allows Holocaust denial, she has to appeal to something else—comprehensive doctrines that Billy would accept, or the fact that Billy's position is

¹⁴² Holocaust denial is illegal in 17 countries; all of them are democratic.

incompatible with the comprehensive doctrines he already accepts. If any of these strategies works, then there is no need to restrict acceptable justification in politics to the political conception of justice in the first place. If Amy can reconcile her comprehensive doctrines only with a political institution that allows Holocaust denial (*e.g.*, she believes that free speech should be absolute) and Billy can reconcile his only with a political institution that bans Holocaust denial, then there is nothing either of them can do. It does not mean that it would be rational for either one of them to start a riot on the street whenever she does not get the law she wants. But it would be irrational for either one of them to cooperate on fair terms if not cooperating on fair terms is the only way to get the law they want (*e.g.*, use money to manipulate the mass media and suppress opposing opinions, a way to cause unequal access to freedom of speech). To recall, one of the moral powers a person has is “the capacity to have, to revise, and *rationaly* to pursue a conception of the good” (Rawls, *Justice as Fairness* 19, my emphasis). On Rawls’s view, one is not supposed to regard a person engaging in social cooperation as lacking this moral power. Therefore, one cannot expect Amy or Billy to be irrational for the sake of being reasonable. Besides, one cannot expect an irrational person to be able to see, from the original position, that the fair terms of social cooperation are the principles of justice.

Therefore, what early Rawls says about the principles of justice is actually more plausible: there is a natural duty to support a political institution that satisfies the principles of justice. In that case, we would also need to conclude that when the natural duty cannot settle which political institution one ought to support, other comprehensive doctrines can be used to settle political disagreement. That means disagreeing parties can appeal to other comprehensive doctrines in public debate, or they can use a dispute-settling mechanism that is justified by other comprehensive doctrines.

However, once we conceive of supporting a political institution that satisfies the principles of justice as a natural duty, we open up the possibility that it can be defeated by other duties and moral reasons in one’s moral deliberation. We can grant Rawls that the duty is universal—in fact, we can even grant Rawls that people would identify it as the most important natural duty from the original position. However, it does not mean that it is always the highest principle in the hierarchy of moral principles of real people who

know their places in society. The following example will illustrate the point. Suppose there is a natural duty of “helping another when he is in need or jeopardy, provided that one can do so without excessive risk or loss to oneself” (Rawls, *A Theory of Justice* 114). This may conflict with a parent’s special moral obligation to provide for her child. For example, imagine that a person has a choice between spending her money on saving some starving children in a remote developing country, or on feeding her own child, who is growing up in an affluent country (*i.e.* the child would not starve to death even if her mother does not feed her—the government could take over). Most people would think that the duty to aid starving children in the remote developing country does not trump the special obligation to care for one’s child.¹⁴³

If the natural duty to support a just political institution can be defeated by other duties and moral reasons, then it seems arbitrary to exclude the unreasonable from the political process (“exclude” in the sense that the institution is designed to ensure that the unreasonable cannot influence the political outcome). Because of the burdens of judgment, there can be a reasonable disagreement about whether the natural duty to support a political institution that satisfies the principles of justice is defeated by, say, a special obligation to support a political institution that does not satisfy the principles.

Now, imagine the following case. Suppose Cindy also believes that Holocaust denial should be legal, but it is not because she believes in freedom of speech. Rather, it is because she *is* anti-Semitic: she believes that racial and religious hatred towards the Jewish people is justified because it can significantly maximize the overall happiness of the world (a faulty appeal to a comprehensive doctrine). Given my argument above, there can be a reasonable disagreement about whether the natural duty to support a just political institution trumps the (alleged) natural duty to support a political institution that

¹⁴³ Some people may think that the “special obligation” to care for one’s child is in fact a natural duty (universal obligation) applied in specific circumstances. For example, one might say that special obligation to care for one’s child is derived from the principle of utility and the fact that a parent is in a better position than other people to care for her own child. These people would deny that there is any genuine special obligation that is not derivable from universal moral principles. In that case, I would say that it is not clear to me why the natural duty to support a fair political obligation is always the most important natural duty.

significantly maximizes overall happiness. However, it seems better to reason with Cindy then to exclude her from political discourse.

In describing how to apply the political conception of justice correctly, Rawls says, ... we suppose a constitutional democratic regime to be reasonably just and workable, and worth defending. Yet given the fact of reasonable pluralism, how can we frame our defense of it so that it might win wide support and thus achieve sufficient stability?

To this end, we do not look to the comprehensive doctrines that in fact exist and then draw up a political conception that strikes some kind of balance of forces between them. ... Instead, [justice as fairness] elaborates a political conception as a free-standing view working from the fundamental idea of society as a fair system of cooperation and its companion ideas. (Rawls, *Justice as Fairness* 188–189)

My argument in this section is to the effect that there is no such “free-standing” view. We have to look to the comprehensive doctrines that in fact exist and then draw up something that “strikes some kind of balance of forces between them.” What we need to do is to determine what kind of balance of forces we want to strike. I described how this can be done in Section 1.

4.4 CONCLUSION

In this chapter, I presented an argument for the claim that a citizen has an obligation to participate in democratic deliberation and an obligation to support a political institution that would provide and protect the political freedom necessary for democratic deliberation (freedom of expression, freedom of assembly, *etc.*). The argument outlines how the obligations can be derived from other moral obligations a citizen already has *qua* person, parent, sibling, child, teacher, doctor, driver, grocery shopper, *etc.*:

1. One has many obligations in virtue of being a person and standing in various special relations with other people.
2. One cannot live without being hindered by government policies in some way.

3. One's obligation to do or to refrain from doing something requires one to create or sustain the conditions that would enable one to fulfill the obligation to the extent that it is possible to create or sustain the conditions, or that doing so does not conflict with other weightier obligations (or reasons in general).
4. From 1, 2 and 3: Therefore, one needs to help create or sustain the conditions in which either (i) government interference does not prevent one from fulfilling one's obligations or (ii) the interference is supported by obligations (or reasons in general) that defeat the obligations mentioned in (i).
5. From 4: Therefore, one has an obligation to participate in democratic deliberation.
6. From 3 and 5: Therefore, one has an obligation to support a political institution that would provide and protect the political freedom necessary for democratic deliberation.

This argument also shows that a certain type of democracy (namely, the deliberative type) is a practical necessity for political freedom, even if we understood political freedom in the negative sense. This contradicts Berlin's claim that there is no relation between freedom and democracy.

I argued that my account about the relation between freedom and democracy is more plausible than Pettit's. I explained why Pettit's conception of freedom as non-domination is not better than freedom as non-interference. First, Pettit's aim is to show that democratic rule is a logical necessity for freedom as non-domination, but he fails for reasons detailed in Section 2. Second, non-domination is not a better conception of freedom in terms of capturing people's intuition about freedom.

I also argued that my account about the obligation to support an existing free and democracy political institution is more plausible than Rawls's account. The political conception of justice, understood as something distinct in kind from comprehensive doctrines, is either superfluous or irrational when it comes to guiding individual actions. That is, it cannot play any role in explaining why one has any obligation to support the

free and democracy political institution one is in. However, if the principles of justice and their implications are understood as comprehensive doctrines, they cannot settle political disagreements that are motivated by other conflicting comprehensive doctrines.

APPENDIX A: THE MERITS OF DEMOCRATIC DELIBERATION

In this appendix, I will review some of the considerations that favor democratic deliberation as the best practice of democracy. I should stress that the positive arguments presented in Chapters 3 and 4 do not depend on these considerations. I review these considerations in order to provide a context for my project.

What should anyone take democratic deliberation seriously in the first place, let alone regards it as an obligation? The answer begins by explaining what democracy is and what it is for in the first place. Most people identify democracy, a form of government, with majority rule. Some of them would also further specify that everyone should get exactly one vote, understood as an expression of equality in political power. It is to be contrasted with monarchy, oligarchy, aristocracy, technocracy, *etc.*, in which the majority of the people do not have formal power on political decision. However, some people find that majority vote alone is an inadequate definition or implementation of democracy, and here is why.

Liberal democracy assumes that everyone is equal, and it is supposed to be closely related to individual liberty and freedom. According to one argument, it is rational, at least for the majority of the people, to support a democratic form of government. This is because, given that no one can escape the coercive power of at least some laws and policies of government, one would rather have some means to influence how the coercive power would affect one's life than have none. Perhaps democracy is the best way to minimize coercion because it is built into the political institution that each individual gets some opportunity to contest laws and policies that curtail their liberty. Moreover, democracy is the only form of government that, in principle, allows the majority of the people to rule themselves. The authority of laws and policies (or lawmakers and policymakers) is legitimized by the endorsement of the people (or the majority of them) who are subject to these laws and policies. One may think that it is also essential to

liberty, that one cannot be free if one is subject to authority not somehow endorsed by oneself.¹⁴⁴

However, if the criterion of democracy is majority rule only, or more generally, aggregation of individual preferences, it is unclear whether democracy is indeed conducive to individual liberty and freedom. First, there is nothing in the aggregation of individual preferences itself that guarantees that no one would be oppressed by unjust law and policies. Since Antiquity many thinkers have been worried by the mob rule that might result from a democratic form of government.¹⁴⁵ The founding fathers of the United States recognized the threat of “the tyranny of the majority” and engineered a nondemocratic branch of government, namely, the Supreme Court.¹⁴⁶ Second, it has been shown in rational choice theory that “there is no rule for aggregating individual preferences that is obviously fair and rational” and “every rule is subject to strategic manipulation” (Miller 187).¹⁴⁷ If the aggregated preferences do not coincide with the preferences of most individuals and the former is not justified by the voting process itself (because the method is either unfair—it can be gamed—or irrational), then it is unclear why the law or policy determined by the voting outcome can be seen as endorsed by the majority.

¹⁴⁴ In both cases, liberty is understood in the negative sense: it is the absence of something (whether it is a physical barrier or hegemony) that makes one free.

One may also think that it is rational for individuals to support majority rule because the majority, guided by human desires and needs, will enact the best law. However, it is not immediately obvious as to why this argument favors majority rule over some other non-democratic forms of government, *e.g.*, technocracy. Even if the majority is guided by human desires and needs, they often lack expert knowledge in social sciences to judge what the best law would be. It seems that experts and perhaps the elite portion of society are in a better position to make this kind of judgment, and so other people should defer to them. Nor can we simply assume that experts or the elite portion of society would not be guided by human desires and needs as much as other people would.

¹⁴⁵ For example, in Book VIII of *The Republic*, Plato describes the cycle of government and reasons that democracy would cause lawlessness and poor governance, because citizens have an insatiable desire for individual liberty.

¹⁴⁶ James Madison addresses the problem of “factions” in *Federalist* 10: “A pure democracy... can admit no cure for the mischiefs of faction. A common passion or interest will... be felt by a majority of the whole... and there is nothing to check the inducements to sacrifice the weaker party.”

¹⁴⁷ Kenneth Arrow has a proof for the first claim. Allan Gibbard and Mark Satterthwaite have proofs for the second claim.

Moreover, Jules Coleman and John Ferejohn argue that aggregated preferences cannot even be used as an effective veto device against bad governance envisioned by W.H. Riker. As I have already mentioned above, social choice theory shows that electoral outcomes are meaningless and Riker rejects the idea that there is a popular will that can be discovered by voting. Rather, the utility of voting from the liberal perspective is that it is “the veto by which it is sometimes possible to restrain official tyranny,” even though such a kind of veto would be “intermittent, sometimes random, even perverse” (Riker 244). The idea is very simple: if a political leader is tyrannical and as a result becomes very unpopular, citizens in a liberal democracy would have a chance to vote her out of office. However, if Riker’s characterization of popular veto is correct, then a veto can sometimes empower official tyranny by removing officials who actually defend people’s liberty.¹⁴⁸ As Coleman and Ferejohn point out, “[u]nreasoned removal from office is precisely what follows if Riker is correct in interpreting the instability results of social choice theory as demonstrating the meaninglessness of voting” (22). Then, aggregation of preferences is not even a good way to minimize coercion.

Perhaps the issue discussed in the last two paragraphs can be recast in the following way. When individuals express their individual preferences through their votes, they do not provide any reason or justification for their preferences. When individual preferences and the preferences of the majority diverge, the former is simply drowned out by the latter, instead of being defeated by some reasons or compromised by bargains of any sort. Here, the problem is twofold. First, individual personhood is not respected as intended by the democratic institution because individual preferences are not acted on or countered

¹⁴⁸ Here is a possible real-life example. Justices of the Wisconsin Supreme Court are selected by statewide elections. In the 2008 election, Michael Gableman defeated Incumbent Justice Louis Butler. Gableman’s campaign ran a series of negative ads accusing Butler for “work[ing] to put criminals on the street” because he “found a loophole” while he worked as a public defender and defended a child molester. Butler convinced the court to overturn his defendant’s conviction because some evidence in the case should have been excluded. Now, it was within Butler responsibility as a public defender to ensure that his defendant received a fair trial. Therefore, the negative ads publicized groundless accusation against Butler and grossly misrepresented the function of the criminal justice system. If Butler was defeated because his constituents believed in the negative ads (which is debatable), it would be an example of an “unreasoned removal from office.”

by reasons; they simply vanish in the process of determining the outcome, as if they never have existed. Both John Rawls and Robert Nozick have criticized utilitarianism on the ground that it neglects the separateness of persons (Rawls, *A Theory of Justice* 25; Nozick 33). The same criticism seems to apply in the case of aggregated preferences. Second, considerations that would make the aggregated preference justified or reasonable are not playing an adequate role in the determination of laws and policies. Rather, either the irrational electoral outcomes motivate irrational laws and policies, or laws and policies are moved by the interests of those who have money and the right strategies to game the political system.¹⁴⁹ That makes it less likely for ordinary people to have their justified preferences fulfilled, rendering them less free.

Therefore, the deliberative democrat argues, in addition to voting, the determination of law and policies should also be guided by the exchange of reasons among those who can vote. Here comes the supposed virtues of democratic deliberation. Deliberation is democratic if everyone gets to participate in the exchange of reasons, either directly or through some proxies (*e.g.*, representatives in the legislative body). Individual personhood is respected when individuals can demand reasons or justification behind other people's preferences—that is, individuals can expect others to try to convince them by reason when there is any conflict of preferences. Assuming that the political outcome would track the deliberative results when the institution is properly designed, individual preference is respected even if it is defeated by reason.¹⁵⁰ Moreover, laws and policies would be better grounded if they are reached through deliberation, because ideally democratic deliberation would bring to light the considerations that

¹⁴⁹ The latter is currently the reality in the United States. A recent study in political science by Martin Gilen and Benjamin Page “indicates that economic elites and organized groups representing business interests have substantial independent impacts on U.S. government policy, while average citizens and mass-based interest groups have little or no independent influence” (564).

¹⁵⁰ For example, suppose Amy works on jobs that would only pay her a minimum wage and she prefers the government to raise the minimum wage to 35 dollars per hour. If she can have it her way, then her preference is certainly respected. But if she does not have it her way, then she would expect someone to explain to her why she cannot have it her way (*e.g.*, it would hurt the economy, which would in turn hurt all the minimum wage earners—by the way I am just saying this for the sake of argument). If she does not get any good explanation, then she is simply ignored as a person with preferences and the capacity to reason.

actually justify or favor them, or it would lead people to pursue a different law or policy that is actually justified or favored by these considerations.¹⁵¹ Democratic deliberation can better legitimize the coercive power of government.

Bargaining of private interests does not do better than aggregated preference in guiding laws and policies. As a matter of logic, bargaining between individual citizens cannot guide laws and policies that regulate non-excludable goods. I cannot trade *my share* of clean air for *your share* of the legal right to gun ownership, because laws and policies affect everyone. Either we all have clean air or the legal right to gun ownership, or we do not. Moreover, political bargaining between lawmakers and policymakers in the government does not represent the bargaining of private interests between their constituents. Suppose Lawmaker A's constituents mostly want more gun control. A may support a bill that deregulates air pollution in exchange for Lawmaker B's support for A's gun control bill. However, many of A's constituents may want both clean air and gun control, and some may prefer clean air more than gun control. They may not regard A's bargain with B as a good bargain, and when A makes that bargain on their behalf, A is not representing their preferences.

One may conclude from the previous paragraph that it is better to minimize government intervention and let private citizens arrange their business among themselves through contracts. According to this line of reasoning, perhaps there should not be any legal restriction on air pollution or gun ownership. One may argue, if people really want clean air, they would pay others not to pollute the air, or they would create other incentives for others to reduce air pollution (*e.g.*, create and sell products that are energy-efficient). When laws and policies have little impact on people's lives, we can worry less about what guides them. But this line of reasoning for minimal government is flawed. The existence of a complex and well-functioned market depends on the existence of laws and

¹⁵¹ The problem of this idea is that democratic deliberation can never be done in an ideal way (*e.g.*, misinformation and manipulation in the process of deliberation). One may think that more harm than benefit would be done when we try to approximate an ideal that can never be achieved. I will discuss this worry in the next section.

law enforcement. I will discuss why it is wrong to think that these laws and their enforcement have little impact on people's lives towards the end of the next section.

Objections and Rejoinders

Complaints against democratic deliberation in general can be roughly divided into two sorts. First, there are worries about the burden democratic deliberation would place on its participants and its practicality. Second, some argue that democratic deliberation does not have the virtues its proponents claim to have. Attempts to resolve a complaint of one sort often leads to a complaint of the other sort. This may lead the opponents of democratic deliberation to conclude that democratic deliberation is an ideal that can never be achieved, and perhaps attempting to approximate the ideal will make things worse.

To begin with complaints of the first sort, it seems that democratic deliberation would place a tremendous burden on its participants because collective deliberation is costly and it can expose its participants to various risks. It is costly, both in terms of time and resources, just to get together to deliberate, and the preparation required for an effective deliberation is even more costly—for instance, how much education does one need in order to fully understand the debate about global warming and its practical implications? One may also suffer undesirable consequences for revealing one's political view to others. Many employers are already researching job candidates on the Internet. According to many career coaches and consultants, recruiters often regard strong political opinions as red flags.¹⁵² CEOs who publicize their unpopular political views may also face severe backlashes.¹⁵³ Moreover, the burden is obviously heavier on those who lack money or power in society, resulting in an unfair distribution of political power. While the CEO

¹⁵² For example, according to Dan Schawbel's article on *Time Magazine* in 2012, 73% of recruiters will check out job applicants' social network profiles. They "are inspecting social profiles to weed out candidates and to get a sense of whether a particular applicant is likely to fit into the culture or not." Alison Doyle, a columnist on the job search section of About.com, advises job applicants not to share their political opinions. She specifically advises job applicants to use pseudonyms in case they blog about their "radical" political views, because "[r]adical and the corporate world usually don't mix."

¹⁵³ A recent example would be the case of Brendan Eich, who was forced to step down as the CEO of Mozilla after his financial support of California's Prop 8 surfaced in the media.

of Chick-fil-A may lose some of his annual bonus over his anti-gay statement, an ordinary Joe may lose his family-supporting job for doing something similar. Consequently, the latter faces a greater pressure to keep his opinion to himself.

Besides, it is simply impractical to get all citizens to deliberate together on every social or political issue that needs to be addressed through legal or administrative means in a modern state. Unlike the city-state of Athens, a modern state often consists of millions of citizens. Democratic deliberation of a modern state cannot be modeled after the *ekklesia* of ancient Athens, because that would involve too many people with too much information needed to be communicated and processed. It seems that an Athenian type of democratic deliberation is only possible in a small polity, like a rural township. Then, democratic deliberation would have a very limited application.

Now, proponents of democratic deliberation may argue that these difficulties can be avoided or remedied by a carefully designed institution. For example, the government can introduce measure to protect the identity of the participants of democratic deliberation, so that a particular opinion cannot be traced back to a particular participant (for example, participants can deliberate in small groups and the opinions can be presented as the deliberative outcome of the groups rather than individuals). Instead of having all citizens to deliberate together on every law or policy, the government may set a limit on duration or the number of people that actually deliberate on a given issue at any given time.

However, it seems that any attempt to avoid or remedy the difficulties mentioned above would compromise the advertised virtues of democratic deliberation (that is, its characteristics of being deliberative and democratic). Robert Goodin conveniently summarizes and analyzes the strategies to avoid or remedy the difficulties into four kinds, and he explains the shortcomings of each of them.

The first strategy is “disjointed deliberation” (Goodin, “Democratic Deliberation Within” 56), which was first suggested by Aristotle in *Politics*¹⁵⁴ and further developed by,

¹⁵⁴ *Politics*, 1298a10-13:

for example, Jürgen Habermas, as well as Joshua Cohen and Charles Sabel. The idea is that, citizens are divided into subsets and subsets of citizens deliberate in different times, locations and contexts. The opinions that emerge from the small groups are somehow blended together through some meta-deliberative process. The problem with this strategy is that, it is unclear how the process of blending the opinions can be both democratic and deliberative. In particular, small group discussion often leads to group polarization, a phenomenon that “members of a deliberating group predictably move toward a more extreme point in the direction indicated by the members’ predeliberation tendencies” (Sunstein 81). If one blends together the polarized opinions that emerge from different groups by simple aggregation, then the procedure as a whole becomes less deliberative. But if there is some sort of gatekeeper that puts together the opinions in some reasoned method, then the procedure as a whole becomes less democratic.

The second strategy is “ersatz deliberation” (Goodin, “Democratic Deliberation Within” 58). The idea is to have a representative subset of citizens to deliberate together. The deliberation of the subset can substitute the deliberation of the whole population if different views and reasons in the latter are fairly represented in the former. Examples of this strategy include the deliberation of the legislative body in a representative democracy (*cf.* Gutmann and Thompson, *Why Deliberative Democracy?*), “citizens’ juries” (*cf.* Coote and Lenaghan) and James Fishkin’s “deliberative polling.” The difficulty with this strategy is to create a subset that is indeed representative, or to ensure the “continuing representativeness of the subset” (Goodin, “Democratic Deliberation Within” 58). The problem posed by the latter is that the opinions of the individuals in the initially representative subset can change over the course of deliberation, and this change may not approximate the change that would happen in the deliberation that includes the whole population.

That all things should be decided by all is characteristic of democracy; this is the sort of equality which the people desire. But there are various ways in which all may share in the government; they may deliberate, not all in one body, but by turns, as in the constitution of Telecles the Milesian.

The third strategy is “emaciated deliberation” (Goodin, “Democratic Deliberation Within” 59). The idea is to restrict how much information each participant can communicate to other participants—“restricting input”—in order to reduce the burden of deliberation on each participant. For example, a legislative body may have rules that limit speeches to those that are germane to the issues being deliberated. The problem of this strategy is that, whatever procedures in place impose these limits may screen out inputs that are relevant and important, rendering the whole process less deliberative.

The fourth strategy is “blinker deliberation” (Goodin, “Democratic Deliberation Within” 59): let participants express their opinions in the public sphere, where they can also pick up each other’s opinions and decide what to do with them. The public sphere can be a coffee house of 18th century London, Hyde Park in London, a broadsheet newspaper, the “Wall of Democracy” in Beijing in the 80s... and, most recently, the Internet. The problem is, there is no guarantee that there would be any uptake or engagement of each other’s opinion, and shouting marches instead deliberations often occur in these venues.

Finally, Goodin himself suggests that one can cope with the problems posed by mass deliberation by supplementing restricted democratic deliberation with imagined deliberation. The idea is that, one can put oneself into other citizens’ shoes and deliberate from their points of view. Therefore, if one is empathetic enough, one could approximate the collective deliberation one would have with other citizens in one’s head. Goodin thinks that empathy can be cultivated by getting to know the lives of people in different parts of society through, say, arts, literature and mass media. Of course, as Goodin himself notes, imagined deliberations cannot replace collective decision procedures because only the latter can confer legitimacy to decisions. Rather, the former informs the latter.

The problem of Goodin’s suggestion as I see it is that, if information overload is a worry, his suggestion does not seem to be an improvement over the fourth strategy. If citizens would not engage with the opinions of others in the public sphere because, say, they are closed-minded or because they are too busy to try to understand those who

disagree with them, one cannot expect them to reach out to understand the lives of others because of the same reasons.

In short, any coping strategy that limits the number of people that actually participate in deliberation would have a representative problem, namely, some views or positions are not represented. Any coping strategy that limits the exchange of reasons between participants would make the process less deliberative and more aggregative, *i.e.* less rational (for the reasons discussed in the beginning of the appendix). Therefore, ideal democratic deliberation can never be achieved.

But proponents of democratic deliberation can live with that. Approximating the ideal is still a good thing to do even if the ideal can never be achieved. An ideal political theory can help set an aim for politics in the non-ideal world. Having imperfect democratic deliberation is still better than having no democratic deliberation, because citizens' individual personhood would be *more* respected while law and policies would be justified to a *greater* extent. That a certain ideal can never be fully realized is not in itself an objection against trying to approximate the ideal.

A real objection to democratic deliberation should be that trying to approximate the ideal actually makes things worse—citizens' individual personhood would be less respected or law and policies would be justified to a lesser extent. There are several possible ways to run this sort of objection, and I will explain why they are all unsuccessful.

First, one may argue that democratic deliberation renders laws and policies less justified. Ian Shapiro argues that democratic deliberation undermines consensus instead of promoting it because it brings out the disagreements that people otherwise might not notice. The uncovered disagreement makes laws and policies more controversial. People who oppose these laws and policies to begin with would oppose them even more, rendering them less justified. The proper response to this objection is that, laws and policies are not merely justified by consensus (although from a democratic perspective people's actual attitudes towards laws and policies should play some important role in justifying them). A law or policy is not well justified if it is merely supported by consensus resulting from misrepresentation of facts or bad reasoning. Therefore, it is incorrect to

think that democratic deliberation renders laws and policies less justified simply because it can undermine consensus.

This brings us to the second objection. Democratic deliberation is bad, one may argue, because it fosters practices that tend to mislead citizens to support laws and policies that are unjustified or detrimental to their own interests. Guido Pinione and Fernando Tesón argue that discourse failure is inevitable in democratic deliberation. In redistributive politics, politicians and interest groups have huge incentives to provide misleading/false information and manipulative argument in political discourse (*i.e.*, “posturing”) so that resources would be redistributed in ways that can hugely benefit them. Other participants in political dialogue who would not have this kind of gain lack the incentive to invest time and resources to overcome misinformation and manipulation (*i.e.* “rational ignorance”).¹⁵⁵ The perverted structure of incentives would persist as long as there is a redistribution of resources by the government. Democratic deliberation would not improve majoritarian politics because the mere fact that voters are exposed to more considerations and arguments does not necessarily make votes more informed. It is the quality of information, not its quantity, that matters. To make things worse, people are by nature more attracted to “vivid explanation” rather than theories that are opaque or counterintuitive. It takes time and resources (*i.e.*, studies a subject like an expert would) to overcome the cognitive bias. For example, according to Pinione and Tesón, Argentinians favor protectionist policies and disfavor free trade while there are established economic studies showing that protectionism harms these people economically. They support economic policies that actually harm their interests because they are attracted by the vivid

¹⁵⁵ Anthony Downs has already argued that a rational voter would not vote because individual influence on the outcome of the poll is not worth the effort required to learn how to vote intelligently. Russell Hardin argues that a rational agent may still vote because they may not understand the rational choice argument against voting and it is rational for them not to understand rational choice theory (in the sense that it is rational for them not to understand the Theory of General Relativity); but a rational agent would not bother to learn how to vote intelligently.

Derek Parfit argues that one ought to participate in collective good deeds even though each individual participation itself would have little impact on the outcome. This may give one reason to vote, regardless of whether it is rational from the point of view of decision theory. I discussed this point in Chapter 3, Section 2.

explanation (*e.g.*, a narrative about how greedy rich people eliminate jobs for the poor in order to boost profit) offered by left-wing propaganda, and technical economic theories are difficult for ordinary people to comprehend. One may go further than Pinione and Tesón to argue that democratic deliberation would worsen the situation because it may foster a false impression among the people that they are well-informed when they are not. Then, democratic deliberation does not make its participants more free; to the contrary, being manipulated or lied to make one less free.

Pinione and Tesón think that discourse failure can be overcome only by eliminating the biggest incentive of posturing and rational ignorance—redistributive politics. People in society should allocate resources through voluntary exchanges rather than majoritarian rule. According to their proposal, a “Framework Contractarian Society” is a marketplace for “Voluntary Communities,” subsocieties that people can join and exit under mutually agreed conditions. The Framework Contractarian Society would only set and enforce rules (sometimes by force) about contracts, the right of exit from the Voluntary Communities, and basic rights to life and security.¹⁵⁶ A Voluntary Community has its own rules to regulate some of the things that are not regulated by the Framework Contractarian Society. For example, there can be a Voluntary Community that uses representative politics to determine how to distribute the resources within the Voluntary Community, and there can be another Voluntary Community that let its members “vote for transparent subsidies, taxes, and regulations, on a case-by-case basis” (Pinione and Tesón 231). Or there can be a Voluntary Community that bans religious reasons in the collective deliberation on its communal affairs, and there can be another Voluntary Community that allows religious reasons. The collective deliberation *within* a Voluntary Community that uses collective deliberation to regulate its internal affairs should be of better quality because its members are those who care about deliberation, eliminating the incentive of rational ignorance; those who do not care would have joined a different Voluntary Community.

¹⁵⁶ As Pinione and Tesón note, this proposal is very similar to Nozick’s proposal for a “framework for utopia.”

I think this is not a successful objection to democratic deliberation for two reasons. First, the perverted incentives in democratic deliberation can be reduced without abandoning redistributive politics. Second, Pinione and Tesón's proposal seems rather implausible.

The incentives of posturing and rational ignorance are not unique to political discourse; they exist in other realms of discourse, including academic discourses, as well. The perverted incentives can be reduced—or at least Pinione and Tesón have to admit that it can be. Pinione and Tesón's favorite example is the supposed discourse failure in debates about economic policies. We all know that economics as an academic discipline is not immune to discourse failure. For example, Jessica Carrick-Hagenbarth and Gerald Epstein study the potential conflicts of interests among academic economists. Among 19 prominent economists who had publicly proposed financial reform measures after the 2008 financial crisis, 15 of them “work in some capacity with private financial institutions”; 13 of them failed to disclose these affiliations in their academic publications and 8 of them failed to disclose these affiliations when they wrote for the general media or spoke in interviews (Carrick-Hagenbarth and Epstein 45). In fact, every science that has any bearing on practical matters is vulnerable to discourse failure—including the so-called hard sciences like medicine and nutritional science.¹⁵⁷ For example, pharmaceutical companies, biotech firms and the scientists they fund have huge incentives to mislead other scientists about the effect of certain drugs or procedures they create, while journal editors and reviewers have incentives of rational ignorance (they are volunteers and they get little in return for scrutinizing the submissions). If Pinione and Tesón treat natural sciences and social sciences equally, regard consensus in economics as established scientific truths and use economics to show that political discourse suffers from discourse failure, then they also have to accept that discourse failure in political discourse can, at least in principle, be overcome to the extent that we can comfortably live with it.

¹⁵⁷ For example, see the investigative reports from David Colquhoun of *the Guardian* on the corruption of the peer-review system and Kiera Butler of *Mother Jones* on corporate sponsorships in nutritional science.

Of course, as Pinione and Tesón would argue, discourse failure would be worse in political discourse than in science because many participants of political discourse do not have expert knowledge in political economy; they are more vulnerable to vivid explanations. However, these problems can be overcome at least partially. For example, it seems that the advancement in information technology and empirical psychology, as well as the expansion of higher education, would help bringing the cognitive capacity and knowledge of the general public closer to the expert level. In other words, reducing the cost and increasing efficiency of gathering and processing information can make ignorance less rational. Moreover, in any given academic discipline, no one is an expert on everything, and experts defer to other experts when they need to. Participants of political discourse can do the same.

In short, discourse failure in political discourse is not as dire as Pinione and Tesón suggest. Now, I want to point out that, compared to academic discourse, we have additional reason to tolerate the epistemic imperfection of political discourse.

Democratic deliberation is not about discovering the scientifically correct way to govern or to live. Rather, it is (mostly) about deciding how citizens want to live together in society, in which one cannot completely avoid the consequences of other citizens' actions. The decision should be informed by sciences (both social and natural), but it should be determined by individual's values and desires, as well as their capacities as free moral agents. No expert can make judgments of the latter sort on behalf of other people (no, not even moral philosophers). Medical ethics provides an apt analogy here. The dominant view in the health care professions (at least in the western world) rejects paternalism and respects patient autonomy. Most likely, no matter how educated the patient is, she would not have more medical knowledge than her physician (unless the patient is a physician specialized on her own illness). But the patient still has the final say on treatment decision,

and the physician has an obligation not to manipulate the patient into the physician's preferred course of action.¹⁵⁸

The fact that one cannot completely avoid the consequences of other citizens' actions should also lead one to question the plausibility of Pinione and Tesón's contractarian proposal. One cannot completely avoid the consequences of other citizens' actions, including those who are members of different Voluntary Communities. Suppose members of the Environmentalist Voluntary Community believe that clean air and water is more important than anything else, while members of the Industrialist Voluntary Community believe that they should generate more electricity to meet their insatiable energy need at the expense of polluting air and water. In the Framework Contractualist Society, they have to settle the disagreement by contract. The Environmentalists may pay the Industrialists cash to stop polluting, or they may develop some kind of technology to reduce pollution and entice the Industrialists to use it, *etc.* The need of contract is where the private preference of members of a Voluntary Community meets the law of the Framework Contractarian Society, which gives rise to a worry about whether the free-market approach can avoid the eventual rise of corporatism or crony capitalism.

While libertarians argue for minimal government, they cannot eliminate government altogether. Without something like a government, people who violate a contract cannot be sued in court and property rights cannot be enforced; there would be no market without sales contract or property right. But the government defines the content of property right and contract law (*e.g.*, three hundred years ago there were no such things as intellectual property and anyone could play J. S. Bach's music for free) and it decides how

¹⁵⁸ Ezekiel Emanuel and Linda Emanuel describe four models of physician-patient relationship. In the paternalistic model, the doctor acts on the best interest of the patient and dictates treatment decision. In the informative model, the doctor provides all the relevant information to the patient and leaves the latter to make treatment decisions on her own. In the interpretive model, the doctor elucidates what the patient really wants or values and then help the patient to make treatment decisions that would achieve these wants or values. In the deliberative model, the doctor deliberates with the patient to make treatment decisions. In addition to elucidating the patient's wants and values, the doctor would also put forth her own value judgment about whether certain course of action is worth pursuing. All models except the paternalistic model prohibit manipulating the patient into the physician's preferred course of action. It is widely accepted that the paternalistic model is justified only when it is impossible to obtain the patient's informed preference (*e.g.*, in a medical emergency).

to enforce it. Deciding how to enforce property rights includes making various decisions about laws and policies. For example, in order to protect one's exclusive right to use a piece of land, the government needs to have a police force. Even if the government allows landowners to guard their own lands by force, it still needs a police force to regulate those private forces. To maintain a police force, the government needs to raise money to fund it. This raises a host of questions about who and how to tax, how the police force is managed, how to make sure everything is done properly (*i.e.* no abuse of power), *etc.*, and these questions would in turn raise more legal and political questions that need to be addressed. Big corporations and wealthy people with special ties with government officials can influence the government to act in ways that would promote the financial interests of the rich, often at the expense of the less rich. As the rich get richer, they get more power to dictate the terms of social cooperation, and further limit the options available to the less well off. This sounds like a decrease rather than increase of liberty, even on the libertarian standard.

Pinione and Tesón would, conceivably, reject my speculation and hold onto their own. They would insist that the contractarian society they envision would not have these problems if the proposal is implemented properly. The disagreement between Pinione and Tesón and me is to be settled by empirical facts about political economics, social psychology, scientific and technological advancements, the effect of these advancements on society, so on and so forth. So Pinione and Tesón's objection to democratic deliberation is rather uninteresting from the philosophical point of view. Consider the following analogy. Suppose Amy and Billy have a debate about the morality of death penalty. Amy opposes the death penalty because many innocents were executed as a result of miscarriage of justice. Billy has no problem with death penalty because he thinks that miscarriage of justice in death penalty cases is very rare. Then their disagreement boils down to how many of the executed were actually innocent. This is not an interesting disagreement from the philosophical point of view because it cannot be settled in the realm of philosophy. Pinione and Tesón's objection is uninteresting from the philosophical point of view in this sense.

I conclude that the objection on the ground that democratic deliberation is not conducive to the liberal ideal of democracy fails. Practical difficulties of democratic deliberation can be overcome or remedied by technology and institutional design to a certain extent. Even though democratic deliberation cannot be done perfectly, approximating the ideal can still promote individual liberty and freedom.

APPENDIX B: WHAT EXACTLY IS SEARLE'S THEORY OF POLITICAL OBLIGATION?

John Searle explains the existence of social facts, including rules and obligations, by collective intentionality. Political obligations exist because it is collectively recognized to be so. Collective intentionality does not depend on the common interest; rather, it depends on everyone having a special kind of intention, namely, a we-intention.

But there are some interpretive issues in Searle's work. Searle has developed the theory of collective intentionality and social reality over the last three decades and he applies his theory to explain political power and obligation in his latest book. His view has evolved over time, although sometimes he does not explicitly acknowledge these changes. In what follows, I will discuss what I take to be the most plausible interpretation of his theory of political obligation.

Before we can discuss Searle's view on political obligation, we need to understand what he means by reasons for action. Searle thinks that a reason for action is a "factive entity" that causes action when the agent acts on it, meaning that a reason for action is a candidate of the reason for which one acts. Factive entities that can serve as reasons for action include beliefs, desires, obligations, needs, *etc.* (*Making the Social World* 41). Searle rejects the internalism of reason, which holds that all reasons are psychological states (which include but are not limited to beliefs and desires) or some combinations of them (*e.g.*, a motivational sets). He uses the future desire of a smoker as a counterexample (*Rationality in Action* 129–131): a young smoker knows that smoking will shorten her life span and she knows her future self will desire to live beyond 60. However, she has no desire to live beyond 60 now. An internalist would need to say that (i) the smoker's future desire gives her no reason to quit smoking, or (ii) that knowledge of the future desire gives rise to a present second-order desire to quit smoking (which is a reason to quit smoking). Searle thinks that this is absurd. In (i), one is guilty of irrationality for failing to consider one's future desire in one's deliberation. In (ii), the internalist identifies the wrong item as the reason for action: the second-order desire (or to be precise, the state of being motivated) is grounded in a reason, namely, the future desire; the present second-order

desire is not itself a reason.¹⁵⁹ In other words, “the reason is the ground of the desire; the desire is not the ground of the reason” (*Rationality in Action* 126). Therefore, Searle concludes, there exists desire-independent reasons and they are external reasons for action.

Searle acknowledges the internalist intuition that a reason for action should be something that motivates an agent to act, but he does not think that the reason itself needs to be internal in order to do the job; rather, it needs only to be represented by some intentional state of the agent (*Rationality in Action* 114–115). A reason is always a reason for an intentional state, and a reason for action is a reason for a prior intention or an intention-in-action (*Rationality in Action* 114). A reason for action motivates the agent once the agent recognizes it as such and acts on it—that is, acting on the recognized reason causes a prior intention or an intention-in-action.¹⁶⁰ The agent would be irrational if she fails to recognize the reason as such. Searle calls this “recognition rationality”:

Rationality may require that an agent under certain epistemic conditions simply recognize a fact in the world such as the fact that he has undertaken an obligation or that he has a certain need, or that he is in a certain kind of danger, *etc.*, even though there is no rational process, no activity of deliberation, leading to the rational result (*Rationality in Action* 117).

Now we may turn to a brief initial statement of Searle’s view on political obligation. Political obligation, like other obligations and duties, are desire-independent reasons for action. However, Searle seems to have two different accounts about how political obligation comes to be. I will discuss each account and suggest how to reconcile them.

¹⁵⁹ Sometimes Searle uses the term “reason” casually. For example, he says “if I decide to carry an umbrella because I believe that it is raining, my belief is an internal reason, but it is a valid reason only if it corresponds to an external reason, only if it is, in fact, raining” (*Rationality in Action* 115). To avoid confusion, I will keep the terminology strict and use only “reason” for entities that do not require such correspondence (so the belief in the raining case is not what I would call a reason; sometimes psychological facts can be reasons, but not in the internalist sense).

¹⁶⁰ Obviously Searle has a problem of agent causation here. He thinks that rationality presupposes free will and so there must be a gap between recognizing a reason and the formation of any intention. In other words, the intentional state that represents the reason cannot be the sufficient cause of the intention. The agent bridges the gap by acting on the reason. However, what exactly does he mean by “acting on”? Cf. *Rationality in Action* 111–112.

In *Rationality in Action*, Searle seems to think that there are only two kinds of desire-independent actions, namely, future prudential reasons and reasons created by an agent “committing himself in various ways” (*Rationality in Action* 168). Political obligation falls under the second category.

Here, “committing” or “commitment” is to be understood in a broad and technical sense. Commitment (the act of committing) is “the imposition of conditions of satisfaction on conditions of satisfaction” (*Rationality in Action* 212). The second occurrence of “conditions of satisfaction” refers to intentional content—the conditions are satisfied if and only if the content and the world have the right sort of correspondence. The first “conditions of satisfaction” refer to a sort of “status function” (*Rationality in Action* 173), which includes a direction of fit and some standard of correctness concerning the agent (*i.e.* whether the agent does something correctly). A direction of fit is a relation between the world and intentional content. Something has a content-to-world direction of fit if and only if the content corresponds to the world as it already is (*e.g.*, belief, assertion, *etc.*). Something has a world-to-content direction of fit if and only if the world is to be made to correspond to the content (*e.g.*, desire, command, *etc.*). There are things that have both directions of fit (*e.g.*, intention, declaration).

In Searle’s terminology, to assign a function to something is to assign some aim, purpose or use to that thing, so that the thing can be “assessed as good or bad” with respect to the aim, purpose or use assigned (*The Construction of Social Reality* 14). For example, once we assign the function of hammering to a hammer-shaped thing, we can regard the thing as good if it hammers well. Or once we assign the function of pumping blood to a heart, we can regard the heart as bad if its cardiac muscle is too weak to squeeze out enough blood for the body. Or, to put it differently, something with a function assigned to it is “a cause that serves a purpose” (*Making the Social World* 58).¹⁶¹

¹⁶¹ In the original text Searle says “a function is a cause that serves a function” (*Making the Social World* 58). But obviously he must mean the thing, or the category of things, with the function assigned. A heart is something that causes the blood to move through the circulation system through pumping. It is a thing with a function assigned to it, not the function itself.

The function gives rise to an evaluative dimension, so that people can evaluate the thing with the function assigned with respect to this dimension.

Now, to impose a status function on something is to impose “a collectively recognized *status* to which a function is attached” (*The Construction of Social Reality* 41) on that thing.¹⁶² For example, members of a village may impose the status of the boundary of one’s home to the outer wall of one’s brick house, for the purpose of separating every family’s private space from the public space—people know not to walk into someone’s home causally.

Here are some examples of commitment. In the case of assertion, there are two conditions of satisfaction imposed: the content-to-world direction of fit and that the agent is correct if and only if the content corresponds to the world. In the case of promise, there are two different conditions of satisfaction imposed: the world is to be made to correspond to the content (world-to-content direction of fit), and that the agent is correct if and only if the agent makes the world corresponds to the content herself.

Why is the imposition of these conditions the imposition of a status function? An utterance being an assertion, promise or other kinds of commitment as opposed to, say, a tune sung in the shower, is a collectively recognizable status. If my utterance of “it’s raining now” has the status of being an assertion, other people can recognize it as such. If it is in fact not raining, they can rightly point out that I am wrong. By contrast, if I just sing “Thunder only happens when it’s raining” (lyrics from a pop song in the 70’s), other people cannot say that I am wrong. Now, whether my utterance has the status of being an assertion depends of my intention as a speaker, and other people can recognize the status by recognizing my intention. And once people recognize what sort of thing the utterance is, they can check and see whether it is “good” as an assertion, *i.e.* whether it is true. When I utter “it’s raining” and intend it to be an assertion, I impose a particular kind of status function (with the two conditions of satisfaction mentioned above) on the content of my utterance and people can assess my utterance accordingly.

¹⁶² Notice that “collectively recognized status” is ambiguous. Is the status recognized by every member of some group individually, or is it recognized by an entity constituted by every member of that group?

Similar things could be said in the case of promise. When I utter “I promise that I will return the book next week,” I impose a particular status function on my utterance and people can assess it accordingly. Moreover, by imposing the status function, I create an obligation to return the book next week for myself. An obligation is a reason for action, and this is a reason that I would not have if I did not so promise. In other words, I create a reason for action for myself by making a promise.

Given how Searle defines “commitment,” a commitment need not be an internal state or mental attitude, as suggested by Bernard Williams and Donald Davidson (*Rationality in Action* 168–170). Moreover, although the basic cases of commitment are speech acts (*Rationality in Action* 172–173), a commitment need not be an explicit avowal (*Rationality in Action* 174). For example, when one orders a beer at a bar, one is committed to pay for the beer, even though there is no explicit avowal about that—she might just say, “can I have a Hoegaarden?” As long as her behavior in a particular social context constitutes the action of ordering a beer, she has imposed a certain status function on some silent but recognizable content, namely, “I will pay for the beer,” and thus created an obligation to pay for herself.

Now we may return to political obligation. Searle does not discuss political obligation in *Rationality in Action*, but given what is said in the official story of desire-independent reason, political obligation is supposed to be the sort of implicit obligation similar to the obligation to pay for the beer. It is created when one interacts with the government and other members of society.

However, in *The Making of Social World*, Searle tells a seemingly different story about how individuals come to have political obligation as their reason for action, and the story is told primarily in terms of political power. Searle thinks that political power is the power a political society can exercise over its members¹⁶³ and political obligation is created through the exercise of such power. What is power? According to Searle, “A has power

¹⁶³ Cf. *Making the Social World* 156. Searle thinks society in general is not a collective intentionality, just as “the white community” is not a collective intentionality. Rather, “[t]here are particular societies in which there is a pervasive collective intentionality, and the nation-state is perhaps the most famous form of political collective intentionality.”

over S with respect to action B if and only if A can intentionally get S to do what A wants regarding B, whether S wants to do it or not” (*Making the Social World* 151). One can exercise one’s power by using it directly or threatening to use it. Here, power can be either coercive (*e.g.*, force or threat of force) or non-coercive, and the latter is called “deontic power.” Political power is supposed to be of the non-coercive sort.

How does deontic power work? Suppose A has deontic power of a particular sort over S. That means A can intentionally get S to do what A wants regarding certain kinds of action, whether S wants to do it or not. When A exercises her deontic power, she gives S desire-independent reasons for performing that kind of action. And being able to exercise a particular kind of deontic power is a matter of being recognized or accepted to have a certain status collectively. Since both A and S are among those who recognize or accept A to have that status, S would recognize or accept that she has a desire-independent reason for action when A exercises deontic power over her.

The new story is different from the old story in at least two regards. First, in the old story, whether one has political obligation is solely up to oneself—as long as one commits oneself in a certain politically relevant way, one has political obligation.¹⁶⁴ In particular, Searle thinks that commitment always create desire-independent reasons, even in the most trivial cases (*Rationality in Action* 180). By contrast, in the new story, whether one has political obligation depends on whether someone else exercises her political power. When A exercises her deontic power over S, A gets S to do what A wants regardless of what S wants by giving S a desire-independent reason to do what A wants. So if A does not exercise her power, A does not give S any desire-independent reason. Does S still have any desire-independent reason? If yes, A’s power seems irrelevant to whether S has any desire-independent reason; if no, the new story is in conflict with the old story.

¹⁶⁴ Of course, it is also necessary that the relevant institution is in place. For example, without the institution of money there cannot be any obligation to pay, and whether there is the institution of money is not up to any particular individual. But Searle stresses that “the reason does not derive from the institution, rather the institution provides the framework, the structure, within which one creates the reason” (*Rationality in Action* 204).

Second, in the old story, one rationally recognizes that one has political obligation because one knows that one has imposed the relevant status function on oneself. It is unclear how this works in the new story. A has the status that allows her to exercise her deontic power as long as her status is collectively recognized, and S is one of those in the collective. But “collective recognition” is actually a “hybrid notion” of “collective recognition or acceptance” (*Making the Social World* 57).¹⁶⁵ That is, one need not accept A’s status in the sense of approval or endorsement in order to be in the collective; one may merely “go along with” the crowd out of “prudence.”¹⁶⁶ If S merely goes along with the crowd and “recognize” the status of A out of prudence, it seems that S only gets present prudential reason (*i.e.* desire-dependence reason) when A exercises her power over S.

Searle does not disavow the old story. In fact, he maintains in the new story that “desire-independent reason for action contained in institutional facts must be, explicitly or implicitly, created as such by that agent” (*Making the Social World* 132). How can we reconcile the two stories? First, we would have to say that S has desire-independent reasons even if A does not actually exercise her power. The mere prospect that A would exercise her power is enough to give S a desire-independent reason for action. When A exercises her power, she just help S to see a reason that S already has; whether A actually exercises her power is indeed irrelevant to the existence of the reason S already has.

Therefore, there is something special about the status-recognizing collective, such that one sets oneself up to create desire-independent reasons for oneself by being a member of it. S becomes a member of the collective by interacting with other members of the collective in a certain way—in a way that constitute “recognizing or accepting” A’s

¹⁶⁵ It appears that “recognition” is ambiguous in Searle’s work. On the one hand, it means the recognition of a reason for action (“recognitional rationality”); on the other hand, it means the acceptance or “going along with” of a status function. These two meanings are mutually exclusive. The acceptance or “going along with” of a status function may create a reason for action, but it is not itself the recognition of a reason for action.

¹⁶⁶ Searle’s example: “At the time of the Nazi regime... members of the Nazi Party enthusiastically endorsed the institutional structure of the Third Reich. But there were lots of people in Germany at the time, who, while not endorsing the institutional structure, went along with it as a matter of nationalism, indifference, prudence, or even just apathy.” (*Making the Social World* 57)

status as having certain deontic power. Once S becomes a member, S has a desire-independent reason.

But this does not resolve all the tension. How can S be *intentionally* creating, or setting herself up to create, a reason for herself when she is merely going along with the crowd? It seems absurd to think that when Pastor Niemöller went along with the crowd while the Nazi was arresting the socialists, trade unionists and Jews, he *intentionally* set himself up to create a desire-independent reason for obeying the Nazi when the Nazi came to arrest him. It seems implausible because Niemöller did not foresee that he would have such a reason. Even if he did create the reason, he did so unintentionally. Therefore, if Searle still wants to stick to his guns and say that Niemöller did have a desire-independent reason for obeying the Nazi because of his previous interaction with other members of Nazi Germany, something else needs to be said. My best suggestion is that if Niemöller did recognize a desire-independent reason for obeying the Nazi, it is not because he recognized that he created the reason intentionally, but that he recognized that he was a member of the collective. He unwittingly created such a reason for himself by becoming a member of this collective. Therefore, it turns out that the collective is playing a mysterious but indispensable role in explaining the obligation S has. The problem is, of course, that mystery does not explain anything.

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